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NEW DELHI, NOVEMBER 19—NOVEMBER 25, 2017, SATURDAY/KARTIKA 28—AGRAHAYANA 4, 1939

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं

Statutory Orders and Notifications Issued by the Ministries of the Government of India

(Other than the Ministry of Defence)

कार्मिक, लोक शिकायत एवं पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 15 नवम्बर, 2017

का.आ. 2664.—केन्द्र सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए छत्तीसगढ़ राज्य सरकार, गृह विभाग (सी-अनुभाग) की सहमति से दिनांक 28-10-2017 की अधिसूचना संख्या एफ-132/गृह-सी/2017 द्वारा, पुलिस स्टेशन पांडी, रायपुर, छत्तीसगढ़ में भारतीय दंड संहिता, 1860 (1860 का अधिनियम सं. 45) की धारा 384, 507 के अधीन दर्ज प्राथमिकी सं. 340/17 के अंतर्गत मामले में तथा पुलिस थाना सिविल लाइंस, रायपुर, छत्तीसगढ़ में सूचना प्रौद्योगिकी अधिनियम, 2000 की धारा 67(ए) के अंतर्गत प्राथमिकी सं. 665/2017 के अंतर्गत मामले में दर्ज अपराधों का अन्वेषण करने और पूछताछ करने के लिए दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और न्यायाधिकार क्षेत्र का विस्तार संपूर्ण छत्तीसगढ़ राज्य पर करती है।

[फा. सं. 228/49/2017-एवीडी-II]

एस. पी. आर. त्रिपाठी, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS**(Department of Personnel and Training)**

New Delhi, the 15th November, 2017

S.O. 2664.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Chhattisgarh, Home Department (C-Section), vide Notification No. F-132//Home-c/2017, dated 28.10.2017 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment in the whole of the State of Chhattisgarh to investigate and inquire into the offence registered in Police Station Pandri, Raipur, Chhattisgarh in a case under FIR No. 340/17 U/s 384, 507 of Indian Penal Code, 1860 (Act No. 45 of 1860) and Police Station Civil Lines, Raipur, Chhattisgarh in a case under FIR No. 665/2017 U/s 67(A) of Information Technology Act, 2000.

[F. No. 228/49/2017-AVD-II]

S. P. R. TRIPATHI, Under Secy.

कृषि एवं किसान कल्याण मंत्रालय**(कृषि अनुसंधान एवं शिक्षा विभाग)**

नई दिल्ली, 8 नवम्बर, 2017

का.आ. 2665.—लोक-परिसर 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों (अनधिकृत अधिभोक्ता को निकालना) को लागू करने में केन्द्र सरकार निम्न तालिका के कालम (2) में उल्लिखित अधिकारियों जो सरकार के राजपत्रित अधिकारियों के पद के समतुल्य अधिकारी हैं, को उक्त अधिनियम के तहत कार्य संपादन के लिए संपदा अधिकारी नियुक्त करती है जो उक्त अधिनियम के तहत संपदा अधिकारियों को प्रदत्त शक्तियों का उपयोग कर सकेंगे तथा सौंपे गये कार्यों को करेंगे जो उनके संबंधित क्षेत्राधिकार की स्थानीय सीमा में नीचे दी गयी तालिका के कालम (3) की संगत प्रविष्टि में दिये गये लोक-परिसर के संबंध में है।

तालिका

क्रम सं.	अधिकारी का नाम व पदनाम	दर्शाये गये राज्यों के अनुसार स्थानीय सीमाएं
1	श्री पुष्पनायक, मुख्य प्रशासनिक अधिकारी, पूर्वी क्षेत्र हेतु भा. कृ. अनु. परि. का अनुसंधान परिसर, पटना।	ओडिसा, बिहार, झारखंड, पश्चिम बंगाल, सिक्किम, मेघालय, आसाम, अरुणाचल प्रदेश, नागालैण्ड, मणिपुर, मिजोरम, त्रिपुरा, अंडमान एवं निकोबार द्वीप।
2	श्री के. एल. मीणा, मुख्य प्रशासनिक अधिकारी, काजरी जोधपुर।	महाराष्ट्र, गोवा, गुजरात, मध्यप्रदेश, राजस्थान, छत्तीसगढ़, दमन एवं दिव।
3	श्री पुष्पेन्द्र कुमार, मुख्य प्रशासनिक अधिकारी, आई.ए.आर.आई., पूसा नई दिल्ली।	उत्तर-प्रदेश, दिल्ली, हरियाणा, पंजाब, जम्मू एवं कश्मीर, हिमाचल-प्रदेश, चण्डीगढ़ एवं उत्तराखंड।
4	श्री जी.जी. हरकंगी, मुख्य प्रशासनिक अधिकारी, आई.आई.एच.आर., बैंगलुरु।	तमिलनाडु, केरल, आन्ध्र-प्रदेश, पाण्डीचेरी, दादरा एवं नगर हवेली, कर्नाटक, लक्षद्वीप।

[फा. सं. 17/11/1995 - ई. एण्ड एम.]

ए. आर. सेनगुप्ता, उप सचिव

MINISTRY OF AGRICULTURE AND FARMERS WELFARE**(Department of Agricultural Research and Education)**

New Delhi, the 8th November, 2017

S.O. 2665.—In exercise if powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971) the Central Government hereby appoints the following officers mentioned in

column(2) of the Table, being the officers equivalent to the rank of Gazetted Officer of the Government, to be Estate Officers for the purpose under the said Act, who shall exercise the powers conferred, and perform the duties imposed, on the Estate Officers by or under the said Act, within the local limits of their respective jurisdiction, in respect of the public premises specified in the corresponding entry in column(3) of the Table below:

TABLE

S.No.	Name & Designation of the Officer	Local limits as per States indicated
1.	Sh. Pushpnayak, CAO, ICAR Research Complex for Eastern Region, Patna	Odisha, Bihar, Jharkhand, West Bengal, Sikkim, Meghalaya, Assam, Arunachal Pradesh, Nagaland, Manipur, Mizoram, Tripura, A & N Islands.
2.	Sh K. L. Meena, CAO, CAZRI, Jodhpur, Rajasthan	Maharashtra, Goa, Gujarat, Madhya Pradesh, Rajasthan, Chhattisgarh, Daman & Diu.
3.	Sh. Pushpendra Kumar, Chief Admn. Officer, IARI, Pusa, New Delhi	Uttar Pradesh, Delhi, Haryana, Punjab, Jammu & Kashmir, Himachal Pradesh, Chandigarh & Uttarakhand.
4.	Sh. G. G. Harakangi, Chief Admn. Officer, IIHR, Bangaluru.	Tamil Nadu, Kerala, Andhra Pradesh, Pondicherry, Dadra & Nagar Haveli, Karnataka, Lakshadweep.

[F.No. 17/11/1995- E&M]

A. R. SENGUPTA, Dy. Secy.

आवासन और शहरी कार्य मंत्रालय

नई दिल्ली, 20 नवम्बर, 2017

का.आ. 2666.—भू-संपदा (विनियमन और विकास) अधिनियम, 2016 (2016 का 16) की धारा 41 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा नीचे दी गई सारणी में विनिर्दिष्ट निम्नलिखित व्यक्तियों को राजपत्र में इसके प्रकाशन की तारीख से केन्द्रीय परामर्शी/सलाहकार परिषद (इसके पश्चात् इसको परिषद के रूप में संदर्भित किया जाएगा) के सदस्यों के रूप में नियुक्त करती है, अर्थात्:—

सारणी

क्रम सं.	नाम	पदनाम
1.	माननीय राज्य मंत्री (स्वतंत्र प्रभार) आवासन और शहरी कार्य, भारत सरकार	अध्यक्ष (पदेन)
2.	मुख्य कार्यकारी अधिकारी, नीति आयोग, भारत सरकार	सदस्य (पदेन)
3.	सचिव, आवासन और शहरी कार्य मंत्रालय, भारत सरकार	सदस्य (पदेन)
4.	सचिव राजस्व विभाग, वित्त मंत्रालय, भारत सरकार	सदस्य (पदेन)
5.	सचिव, आर्थिक कार्य विभाग वित्त मंत्रालय, भारत सरकार	सदस्य (पदेन)
6.	सचिव, औद्योगिक नीति और संवर्द्धन विभाग, वाणिज्य और उद्योग मंत्रालय, भारत सरकार	सदस्य (पदेन)
7.	सचिव, उपभोक्ता मामले विभाग, उपभोक्ता कार्य, खाद्य और सार्वजनिक वितरण मंत्रालय, भारत सरकार	सदस्य (पदेन)
8.	सचिव, कारपोरेट कार्य मंत्रालय, भारत सरकार	सदस्य (पदेन)

9.	सचिव, विधि कार्य विभाग, विधि और न्याय मंत्रालय, भारत सरकार	सदस्य (पदेन)
10.	प्रबंध निदेशक, राष्ट्रीय आवास बैंक (एनएचबी)	सदस्य (पदेन)
11.	अध्यक्ष और प्रबंध निदेशक आवास और नगर विकास निगम (हडको)	सदस्य (पदेन)
12.	मुख्य सचिव, राष्ट्रीय राजधानी क्षेत्र दिल्ली सरकार	सदस्य (पदेन)
13.	अपर मुख्य सचिव, प्रधान सचिव/सचिव उत्तर प्रदेश सरकार (अधिनियम के कार्यान्वयन से संबंधित)	सदस्य (पदेन)
14.	अतिरिक्त मुख्य सचिव, प्रधान सचिव/सचिव ओडिशा सरकार (अधिनियम के कार्यान्वयन से संबंधित)	सदस्य (पदेन)
15.	अतिरिक्त मुख्य सचिव, प्रधान सचिव/सचिव हरियाणा सरकार (अधिनियम के कार्यान्वयन से संबंधित)	सदस्य (पदेन)
16.	अतिरिक्त मुख्य सचिव, प्रधान सचिव/सचिव तमिलनाडु सरकार (अधिनियम के कार्यान्वयन से संबंधित)	सदस्य (पदेन)
17.	अध्यक्ष, भू-सम्पदा विनियामक प्राधिकरण, महाराष्ट्र	सदस्य (पदेन)
18.	अध्यक्ष, भू-सम्पदा विनियामक प्राधिकरण, गुजरात	सदस्य (पदेन)
19.	अध्यक्ष, भू-सम्पदा विनियामक प्राधिकरण, मध्य प्रदेश	सदस्य (पदेन)
20.	अध्यक्ष, भू-सम्पदा विनियामक प्राधिकरण, असम	सदस्य (पदेन)
21.	अध्यक्ष, भू-सम्पदा विनियामक प्राधिकरण, कर्नाटक	सदस्य (पदेन)
22.	अध्यक्ष, राष्ट्रीय भू-संपदा विकास परिषद (एनएआरईडीसीओ), (नई दिल्ली)	सदस्य (पदेन)
23.	अध्यक्ष, भारतीय रियल एस्टेट डेवलपर्स एसोसिएशन परिसंघ (क्रेडाई) (नई दिल्ली)	सदस्य (पदेन)
24.	अध्यक्ष, पीपुल्स कलेक्टिव प्रयासों (एफपीसीई) के लिए फोरम, कोलकाता (पश्चिम बंगाल)	सदस्य
25.	अध्यक्ष, फेडरेशन ऑफ अपार्टमेंट ओनर्स एसोसिएशन (एफएओए), गुडगांव, हरियाणा	सदस्य
26.	अध्यक्ष, नेशनल एसोसिएशन ऑफ रील्टर्स - इंडिया (एनएआर-इंडिया), गुडगांव, हरियाणा	सदस्य
27.	अध्यक्ष, केन्द्रीय भवन और अन्य निर्माण श्रमिक सलाहकार समिति (या उनके उम्मीदवार), श्रम और रोजगार मंत्रालय, भारत सरकार	सदस्य (पदेन)
28.	संस्थापक, नम्मा बेंगलुरु फाउंडेशन (या उनके उम्मीदवार), बेंगलुरु कर्नाटक	सदस्य
29.	प्रबंध निदेशक, लीएज़ फोरस, मुंबई, महाराष्ट्र	सदस्य
30.	अपर सचिव / संयुक्त सचिव (आवास), आवासन और शहरी कार्य मंत्रालय, भारत सरकार	सदस्य संयोजक (पदेन)

2. इस परिषद के अध्यक्ष को किसी व्यक्ति अथवा संगठन को इस परिषद की बैठकों में भाग लेने के लिए एक तकनीकी प्रतिनिधि के रूप में सहयोजित करने की शक्ति/अधिकार होगा।
3. जैसा कि इस अधिनियम की धारा 41 के उप-खंड/धारा (3) के अंतर्गत व्यवस्था की गई है, इस सारणी के क्रमांक 12 से 21 पर बारी-बारी से चयन किए गए सदस्य इस अधिसूचना की तारीख से तीन वर्षों की अवधि के लिए ऐसे सदस्य के रूप में पद पर रहेंगे।
4. जैसा कि इस अधिनियम की धारा 41 के उप-खंड/धारा (4) के अंतर्गत व्यवस्था की गई है, इस सारणी के क्रमांक 22 से 29 पर चयन किए गए सदस्य पांच वर्षों की अवधि हेतु ऐसे सदस्य के रूप में पद पर रहेंगे।

[फा. सं. ओ.-17024/429/2017-एच]

शैलेश जोगियानी, अवर सचिव

MINISTRY OF HOUSING AND URBAN AFFAIRS

New Delhi, the 20th November, 2017

S.O. 2666.—In exercise of the powers conferred by sub-section (1) of section 41 of the Real Estate (Regulation and Development) Act, 2016 (16 of 2016) (hereinafter referred to as the Act), the Central Government hereby appoints the following persons specified in the table below with effect from the date of its publication in the Gazette, as members of the Central Advisory Council (hereinafter referred to as the Council), namely:—

TABLE

Sl. No.	Name	Designation
1.	Hon'ble Minister of State (I/C), Housing and Urban Affairs, Government of India	Chairperson (ex-officio)
2.	CEO, Niti Aayog, Government of India	Member (ex-officio)
3.	Secretary, Ministry of Housing and Urban Affairs, Government of India	Member (ex-officio)
4.	Secretary, Department of Revenue, Ministry of Finance, Government of India	Member (ex-officio)
5.	Secretary, Department of Economic Affairs, Ministry of Finance, Government of India	Member (ex-officio)
6.	Secretary, Department of Industrial Policy and Promotion, Ministry of Commerce and Industry, Government of India	Member (ex-officio)
7.	Secretary, Department of Consumer Affairs, Ministry of Consumer Affairs, Food and Public Distribution, Government of India	Member (ex-officio)
8.	Secretary, Ministry of Corporate Affairs, Government of India	Member (ex-officio)
9.	Secretary, Department of Legal Affairs, Ministry of Law and Justice, Government of India	Member (ex-officio)
10.	Managing Director, National Housing Bank (NHB)	Member (ex-officio)
11.	Chairman and Managing Director, Housing and Urban Development Corporation (HUDCO)	Member (ex-officio)
12.	Chief Secretary, Government of National Capital Territory of Delhi	Member (ex-officio)
13.	Additional Chief Secretary / Principal Secretary / Secretary, Government of Uttar Pradesh (dealing with implementation of the Act)	Member (ex-officio)

14.	Additional Chief Secretary / Principal Secretary / Secretary, Government of Odisha (dealing with implementation of the Act)	Member (ex-officio)
15.	Additional Chief Secretary / Principal Secretary / Secretary, Government of Haryana (dealing with implementation of the Act)	Member (ex-officio)
16.	Additional Chief Secretary / Principal Secretary / Secretary, Government of Tamil Nadu (dealing with implementation of the Act)	Member (ex-officio)
17.	Chairman, Real Estate Regulatory Authority, Maharashtra	Member (ex-officio)
18.	Chairman, Real Estate Regulatory Authority, Gujarat	Member (ex-officio)
19.	Chairman, Real Estate Regulatory Authority, Madhya Pradesh	Member (ex-officio)
20.	Chairman, Real Estate Regulatory Authority, Assam	Member (ex-officio)
21.	Chairman, Real Estate Regulatory Authority, Karnataka	Member (ex-officio)
22.	President, National Real Estate Development Council (NAREDCO) (New Delhi)	Member (ex-officio)
23.	President, Confederation of Real Estate Developers Association of India (CREDAI) (New Delhi)	Member (ex-officio)
24.	President, Forum for People's Collective Efforts (FPCE), Kolkata (West Bengal)	Member
25.	Chairman, Federation of Apartment Owners Association (FAOA), Gurgaon, Haryana	Member
26.	Chairperson, National Association of Realtors - India (NAR-INDIA), Gurgaon, Haryana	Member
27.	Chairperson, Central Building and Other Construction Workers Advisory Committee (or his nominee), Ministry of Labour and Employment, Government of India	Member (ex-officio)
28.	Founder, Namma Bengaluru Foundation (or his nominee), Bengaluru Karnataka	Member
29.	Managing Director, Liasis Foras, Mumbai, Maharashtra	Member
30.	Additional Secretary / Joint Secretary (Housing), Ministry of Housing and Urban affairs, Government of India	Member Convenor (ex-officio)

2. The Chairperson of the Council shall have the power to co-opt any individual or organization, as a technical representative, to participate in the meetings of the Council.

3. The members at serial numbers 12 to 21 of the table, selected by rotation, as provided under sub-section (3) of section 41 of the Act, shall hold office as such member for a period of three years, from the date of this notification.

4. The members at serial numbers 22 to 29 of the table, selected as provided under sub-section (4) of section 41 of the Act, shall hold office as such member for a period of five years, from the date of this notification.

[F. No. O-17024/429/2017-H]

SAILESH JOGIANI, Under Secy.

कोयला मंत्रालय

नई दिल्ली, 20 नवम्बर, 2017

का.आ. 2667.—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) के अधीन भारत सरकार में कोयला मंत्रालय के द्वारा जारी की गई अधिसूचना का. आ. 591, तारीख 9 मार्च, 2017, जो भारत के राजपत्र के भाग II, खंड 3, उप-खंड (ii), तारीख 11 मार्च, 2017 में प्रकाशित की गई थी, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट परिक्षेत्र की भूमि में जिसका माप

39.000 हेक्टर (लगभग) या 96.37 एकड़ (लगभग) है, कोयले का पूर्वक्षेपण करने के अपने आदेश की सूचना दी थी;

और, केन्द्रीय सरकार को यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट की गई उक्त भूमि के भाग में कोयला अभिप्राप्य है ;

अतः, केन्द्रीय सरकार, उक्त अधिनियम, 1957 की धारा 7 की उप-धारा (1) द्वारा प्रदत्त भाक्तियों का प्रयोग करते हुए इससे संलग्न अनुसूची में वर्णित 37.619 हेक्टर (लगभग) या 92.96 एकड़ (लगभग) माप की उक्त भूमि का अर्जन करने के अपने आदेश की सूचना देती है;

टिप्पण 1 : इस अधिसूचना के अधीन आने वाले क्षेत्र के रेखांक संख्या एसईसीएल/बीएसपी/जीएम(पीएलजी)/भूमि/518, तारीख 18 सितम्बर, 2017 का निरीक्षण कलक्टर, जिला-अनुपपुर (मध्य प्रदेश) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कोलकाता-700001 के कार्यालय में या साउथ ईस्टर्न कोलफील्ड्स लिमिटेड (राजस्व अनुभाग), सीपत रोड, बिलासपुर -495006 (छत्तीसगढ़) के कार्यालय में किया जा सकता है।

टिप्पण 2 : उक्त अधिनियम की धारा 8 के उपबंधों की ओर ध्यान आकृष्ट किया जाता है, जिसमें निम्नलिखित उपबंध है:—

“8. अर्जन की बाबत आपत्तियाँ:—(1) कोई व्यक्ति जो किसी भूमि में जिसकी बाबत धारा 7 के अधीन अधिसूचना निकाली गई है, हितबद्ध है, अधिसूचना के निकाले जाने से तीस दिन के भीतर सम्पूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उस पर के किन्हीं अधिकारों का अर्जन किए जाने के बारे में आपत्ति कर सकेगा।

स्पष्टीकरण.—इस धारा के अन्तर्गत यह आपत्ति नहीं मानी जाएगी कि कोई व्यक्ति किसी भूमि में कोयला उत्पादन के लिए स्वयं खनन संक्रियाएं करना चाहता है और ऐसी संक्रियाएं केन्द्रीय सरकार या किसी अन्य व्यक्ति को नहीं करनी चाहिए।

(2) उप-धारा (1) के अधीन प्रत्येक आपत्ति सक्षम अधिकारी को लिखित रूप में की जाएगी और सक्षम अधिकारी, आपत्तिकर्ता को स्वयं सुने जाने, विधि व्यवसायी द्वारा सुनवाई का अवसर देगा और ऐसी सभी आपत्तियों को सुनने के पश्चात् और ऐसी अतिरिक्त जाँच, यदि कोई हो, करने के पश्चात्, जो वह आवश्यक समझता है, वह या तो धारा 7 की उप-धारा (1) के अधीन अधिसूचित भूमि का या ऐसी भूमि में या उस पर के अधिकारों के संबंध में एक रिपोर्ट या ऐसी भूमि के विभिन्न टुकड़ों या ऐसी भूमि में या उस पर के अधिकारों के संबंध में आपत्तियों पर अपनी सिफारिशों और उसके द्वारा की गई कार्यवाही के अभिलेख सहित विभिन्न रिपोर्ट केन्द्रीय सरकार को उसके विनिर्णय के लिए देगा।

(3) इस धारा के प्रयोजनों के लिए वह व्यक्ति किसी भूमि में हितबद्ध समझा जाएगा जो प्रतिकर में हित का दावा करने का हकदार होगा, यदि भूमि या किसी ऐसी भूमि में या उस पर के अधिकार इस अधिनियम के अधीन अर्जित कर लिए जाते हैं।”

टिप्पण 3 : केन्द्रीय सरकार ने कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कोलकाता-700001 को उक्त अधिनियम के अधीन भारत के राजपत्र, भाग II, खंड 3, उप-खंड (ii), तारीख 4 अप्रैल, 1987 द्वारा अधिसूचना संख्या का. आ. 905, तारीख 20 मार्च, 1987 द्वारा सक्षम प्राधिकारी नियुक्त किया है।

अनुसूची

आमाडांड साईडिंग, जमुना कोतमा क्षेत्र,

जिला अनुपपुर, मध्य प्रदेश

(रेखांक संख्या एसईसीएल/बीएसपी/जीएम(पीएलजी)/भूमि/518, तारीख 18 सितम्बर, 2017)

सभी अधिकार:

क्रम सं.	ग्राम का नाम	पटवारी हल्का संख्या	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पणियाँ
1.	बैहाटोला	45	कोतमा	अनुपपुर	0.332	भाग
2.	कटकोना	46	कोतमा	अनुपपुर	2.734	भाग
3.	बेलिया	47	कोतमा	अनुपपुर	4.266	भाग

4.	पिपरहा	50	कोतमा	अनुपपुर	6.425	भाग
5.	सेमरा	52	कोतमा	अनुपपुर	9.974	भाग
6.	फुलकोना	55	कोतमा	अनुपपुर	8.500	भाग
7.	खोडरी	56	कोतमा	अनुपपुर	2.982	भाग
8.	कोहका	56	कोतमा	अनुपपुर	2.406	भाग
कुल : 37.619 हेक्टेयर (लगभग) या 92.96 एकड़ (लगभग)						

1. ग्राम बैहाटोला (भाग) में अर्जित किए जाने वाले प्लॉट संख्याक: 1364(भाग), 1379(भाग), 1380(भाग), 1382(भाग), 1404(भाग), 1405(भाग).
2. ग्राम कटकोना (भाग) में अर्जित किए जाने वाले प्लॉट संख्याक : 602(भाग), 603(भाग), 609(भाग), 610(भाग), 611(भाग), 616(भाग), 617(भाग), 619(भाग), 649(भाग), 650(भाग), 651(भाग), 659(भाग), 662(भाग), 666(भाग), 667(भाग).
3. ग्राम बेलिया (भाग) में अर्जित किए जाने वाले प्लॉट संख्याक : 319(भाग), 320(भाग), 322(भाग), 325(भाग), 326(भाग), 327(भाग), 334(भाग), 335(भाग), 337(भाग), 338(भाग).
4. ग्राम पिपरहा (भाग) में अर्जित किए जाने वाले प्लॉट संख्याक : 3(भाग), 14(भाग), 15(भाग), 16(भाग), 17(भाग), 18(भाग), 21(भाग), 40(भाग), 44(भाग), 45(भाग), 46(भाग), 47(भाग), 48(भाग), 49(भाग), 60(भाग), 61(भाग), 62(भाग), 63(भाग), 66(भाग), 67(भाग), 68(भाग), 69(भाग), 70(भाग), 84(भाग), 108(भाग), 109(भाग), 110(भाग), 360(भाग).
5. ग्राम सेमरा (भाग) में अर्जित किए जाने वाले प्लॉट संख्याक : 18(भाग), 19(भाग), 24(भाग), 37(भाग) से 40(भाग), 114(भाग), 116(भाग) से 118(भाग), 127(भाग), 129(भाग), 130(भाग), 136(भाग), 137(भाग), 151(भाग), 158(भाग), 171(भाग), 179(भाग), 180, 181 (भाग) से 184 (भाग), 186 (भाग), 450 (भाग) से 452 (भाग), 539(भाग) से 543(भाग), 556(भाग), 557(भाग), 560(भाग), 567(भाग) से 569(भाग) 572(भाग), 578(भाग), 579(भाग), 667(भाग) से 670(भाग), 672(भाग), 673(भाग).
6. ग्राम फुलकोना (भाग) में अर्जित किए जाने वाले प्लॉट संख्याक : 502(भाग), 504(भाग), 505(भाग), 509(भाग), 510(भाग), 512(भाग), 541(भाग), 543(भाग), 544, 545(भाग), 548(भाग), 552(भाग), 553(भाग), 555(भाग), 595(भाग) से 598(भाग), 893(भाग), 914(भाग), 917(भाग) से 919(भाग), 943(भाग), 944(भाग), 956(भाग) से 959(भाग), 962(भाग), 964(भाग), 1001(भाग), 1038(भाग), 1042(भाग), 1044(भाग) से 1046(भाग), 1054(भाग) से 1057(भाग), 1063(भाग), 1064(भाग), 1067(भाग) से 1069(भाग), 1277(भाग), 1278(भाग), 1318(भाग), 1319(भाग).
7. ग्राम खोडरी (भाग) में अर्जित किए जाने वाले प्लॉट संख्याक : 593(भाग) से 596(भाग), 625(भाग), 627(भाग), 628(भाग), 630(भाग) से 633(भाग).

8. ग्राम कोहका (भाग) में अर्जित किए जाने वाले प्लॉट संख्याक : 417(भाग), 418(भाग), 427(भाग) से 429(भाग), 448(भाग), 449(भाग), 453(भाग) से 456(भाग), 471(भाग), 472(भाग), 474(भाग).

सीमा वर्णन :

ब्लॉक — I:

- क-ख रेखा, बिन्दु "क" से आरंभ होती है और ग्राम बैहाटोला के प्लॉट संख्या 1380, 1379, 1405, 1364 से होती हुई बिन्दु "ख" पर मिलती है।
- ख-ख-1 रेखा, बिन्दु "ख" से आरंभ होती है और ग्राम कटकोना के प्लॉट संख्या 602, 603 से होती हुई बिन्दु "ख-1" पर मिलती है।
- ख-1-द रेखा, बिन्दु "ख-1" से आरंभ होती है और ग्राम कटकोना के प्लॉट संख्या 603, 602 से होकर ग्राम बैहाटोला में प्रवे 1 करती है और प्लॉट संख्या 1364, 1404, 1380, 1382 से होती हुई बिन्दु "द" पर मिलती है।
- द-क रेखा, बिन्दु "द" से आरंभ होती है और ग्राम बैहाटोला के प्लॉट संख्या 1382, 1380 से होती हुई आरंभिक बिन्दु "क" पर मिलती है।

ब्लॉक — II:

- ख-2-ग रेखा, बिन्दु "ख-2" से आरंभ होती है और ग्राम कटकोना के प्लॉट संख्या 609, 610, 611, 617, 616, 649, 651, 650, 662, 666, 667 से होती हुई जाती है और बिन्दु "ग" पर मिलती है।
- ग-घ रेखा, बिन्दु "ग" से आरंभ होती है और ग्राम बेलिया के प्लॉट संख्या 320, 322, 337, 335, 325, 334, 326, 327 से होती हुई जाती है और बिन्दु "घ" पर मिलती है।
- घ-ङ रेखा, बिन्दु "घ" से आरंभ होती है और ग्राम पिपरहा के प्लॉट संख्या 3, 109, 108, 21, 18, 14, 15, 16, 46, 47, 48, 49, 60, 61, 66, 68, 69, 67, 360 से होती हुई जाती है और बिन्दु "ङ" पर मिलती है।
- ङ-च रेखा, बिन्दु "ङ" से आरंभ होती है और ग्राम सेमरा के प्लॉट संख्या 158, 19, 18, 19, 24, 40, 38, 39, 38, 151, 38, 40, 114, 137, 116, 117, 118, 129, 171, 127, 181, 183, 186, 184, 451, 450, 543, 541, 540, 556, 560, 579, 578, 572, 673, 672, 668, 667 से होती हुई जाती है और बिन्दु "च" पर मिलती है।
- च-छ रेखा, बिन्दु "च" से आरंभ होती है और ग्राम फुलकोना के प्लॉट संख्याक 509, 510, 505, 504, 502, 541, 543, 544, 548, 553, 552, 598, 597, 596, 595, 1038, 1042, 1045, 1057, 1056, 1055, 1063, 1064, 1001, 1068, 1069, 958, 959, 956, 962, 964, 943, 944, जेड-4, 919, 914, 917, 893, 1319, 1277, 1278 से होती हुई जाती है और बिन्दु "छ" पर मिलती है।
- छ-ज रेखा, बिन्दु "छ" से आरंभ होती है और ग्राम खोडरी के प्लॉट संख्या 593, 594, 595, 596, 633, 631, 630, 627, 628, 625 से होती हुई जाती है और बिन्दु "ज" पर मिलती है।
- ज-झ रेखा, बिन्दु "ज" से आरंभ होती है और ग्राम कोहका के प्लॉट संख्या 428, 427, 454, 455, 456, 418, 417, 472, 474 से होती हुई जाती है और बिन्दु "झ" पर मिलती है।
- झ-ञ-ट रेखा, बिन्दु "झ" से आरंभ होती है और ग्राम कोहका के प्लॉट संख्या 474, बिन्दु 'ज', 472, 471, 456, 455, 453, 427, 449, 448, 428, 429 से होती हुई जाती है और बिन्दु "ट" पर मिलती है।
- ट-ठ रेखा, बिन्दु "ट" से आरंभ होती है और ग्राम खोडरी के प्लॉट संख्या 625, 628, 627, 632, 633, 596, 595, 594, 593 से होती हुई जाती है और बिन्दु "ठ" पर मिलती है।
- ठ-ड रेखा, बिन्दु "ठ" से आरंभ होती है और ग्राम फुलकोना के प्लॉट संख्या 1278, 1277, 1319, 1318, 893, 917, 918, 914, 919, जेड-4, 944, 964, 956, 957, 1069, 1067, 1064, 1063, 1055, 1054, 1056, 1045, 1046, 1042, 1038, 595, 596, 597, 598, 553, 555, 543, 541, 502, 504, 505, 510, 512 से होती हुई जाती है और बिन्दु "ड" पर मिलती है।
- ड-ढ रेखा, बिन्दु "ड" से आरंभ होती है और ग्राम सेमरा के प्लॉट संख्या 668, 669, 670, 672, 673, 572, 569, 568, 567, 560, 557, 539, 556, 539, 540, 541, 542, 543, 452, 184, 182, 181, 179, 127, 171, 129,

	130, 117, 136, 137, 114, 40, 151, 37, 38, 24, 19, 158 से होती हुई जाती है और बिन्दु "ढ" पर मिलती है।
ढ-ण	रेखा, बिन्दु "ढ" से आरंभ होती है और ग्राम पिपरहा के प्लॉट संख्या 360, 67, 70, 68, 66, 61, 62, 63, 48, 47, 84, 40, 45, 44, 17, 21, 108, 110, 109, 3 से होती हुई जाती है और बिन्दु "ण" पर मिलती है।
ण-त	रेखा, बिन्दु "ण" से आरंभ होती है और ग्राम बेलिया के प्लॉट संख्या 327, 326, 334, 325, 335, 338, 337, 322, 320, 319 से होती हुई जाती है और बिन्दु "त" पर मिलती है।
त-थ-ख-2	रेखा, बिन्दु "त" से आरंभ होती है और ग्राम कटकोना के प्लॉट संख्या 666, 662, 650, 659, 651, 649, 619, 617, 611, 610, बिन्दु 'थ', 609 से होती हुई जाती है और आरंभिक बिन्दु "ख-2" पर मिलती है।

[फा. सं. 43015/09/2017—एलए एण्ड आईआर]

आर. एस. सरोज, अवर सचिव

MINISTRY OF COAL

New Delhi, the 20th November, 2017

S.O. 2667.— Whereas by the notification of the Government of India in the Ministry of Coal vide S.O. 591, dated the 9th March, 2017 in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 11th March, 2017 issued under sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 or 1957) (hereinafter referred to as the said Act), the Central Government gave notice of its intention to prospect for coal in 39.000 hectares (approximately) or 96.37 acres (approximately) of the lands in the locality specified in the Schedule annexed to that notification;

And whereas, the Central Government is satisfied that coal is obtainable in a part of the said lands prescribed in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 7 of the said Act, the Central Government hereby gives notice of its intention to acquire the land measuring 37.619 hectares (approximately) or 92.96 acres (approximately) as all rights in or over the said lands described in the Schedule appended hereto:

Note 1: The plan bearing number SECL/BSP/GM(PLG)/LAND/ 518, dated the 18th September, 2017 of the area covered by this notification may be inspected in the office of the Collector, District Anuppur (Madhya Pradesh) or in the office of the Coal Controller, 1, Council House Street, Kolkata - 700001 or in the office of the South Eastern Coalfields Limited (Revenue Section), Seepat Road, Bilaspur- 495006 (Chhattisgarh).

Note 2: Attention is hereby invited to the provisions of section 8 of the said Act which provides as follows:-

"8. Objection to Acquisition.- (1) Any person interested in any land in respect of which a notification under section 7 has been issued, may, within thirty days of the issue of the notification, object to the acquisition of the whole or any part of the land or any rights in or over such land.

Explanation.- It shall not be an objection within the meaning of this section for any person to say that he himself desires to undertake mining operation in the land for the production of coal and that such operation should not be undertaken by the Central Government or by any other person.

(2) Every objection under sub-section (1) shall be made to the competent authority in writing, and the competent authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, either makes a report in respect of the land which has been notified under sub-section (1) of section 7 or of rights in or over such land, or make different reports in respect of different parcels of such land or of rights in or over such land, to the Central Government, containing his recommendations on the objections, together with the record of the proceedings held by him, for the decision of the Government.

(3) For the purposes of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land or any rights in or over such land were acquired under this Act."

Note 3: The Coal Controller, 1, Council House Street, Kolkata- 700001, has been appointed by the Central Government as the competent authority under section 3 of the said Act, vide notification number S.O. 905, dated the 20th March, 1987, published in part II, section 3, sub-section (ii) of the Gazette of India, dated the 4th April, 1987.

SCHEDULE

Amadand Siding, Jamuna Kotma Area,

District Anuppur, Madhya Pradesh

[Plan bearing number SECL/BSP/GM(PLG)/LAND/ 518, dated the 18th September, 2017]

All Rights:

Sl. No.	Name of village	Patwari halka number	Tahsil	District	Area in hectares	Remarks
1.	Baihatola	45	Kotma	Anuppur	0.332	Part
2.	Katkona	46	Kotma	Anuppur	2.734	Part
3.	Beliya	47	Kotma	Anuppur	4.266	Part
4.	Piparaha	50	Kotma	Anuppur	6.425	Part
5.	Semra	52	Kotma	Anuppur	9.974	Part
6.	Fulkona	55	Kotma	Anuppur	8.500	Part
7.	Khodri	56	Kotma	Anuppur	2.982	Part
8.	Kuhka	56	Kotma	Anuppur	2.406	Part
Total : 37.619 hectares (approximately) or 92.96 acres(approximately)						

- Plot numbers to be acquired in village Baihatola(Part): 1364(P), 1379(P), 1380(P), 1382(P), 1404(P), 1405(P).
- Plot numbers to be acquired in village Katkona (Part): 602(P), 603(P), 609(P), 610(P), 611(P), 616(P), 617(P), 619(P), 649(P), 650(P), 651(P), 659(P), 662(P), 666(P), 667(P).
- Plot numbers to be acquired in village Beliya (Part): 319(P), 320(P), 322(P), 325(P), 326(P), 327(P), 334(P), 335(P), 337(P), 338(P).
- Plot numbers to be acquired in village Piparaha (Part): 3(P), 14(P), 15(P), 16(P), 17(P), 18(P), 21(P), 40(P), 44(P), 45(P), 46(P), 47(P), 48(P), 49(P), 60(P), 61(P), 62(P), 63(P), 66(P), 67(P), 68(P), 69(P), 70(P), 84(P), 108(P), 109(P), 110(P), 360(P).
- Plot numbers to be acquired in village Semra (Part): 18(P), 19(P), 24(P), 37(P) to 40(P), 114(P), 116(P) to 118(P), 127(P), 129(P), 130(P), 136(P), 137(P), 151(P), 158(P), 171(P), 179(P), 180, 181(P) to 184(P), 186(P), 450(P) to 452(P), 539(P) to 543(P), 556(P), 557(P), 560(P), 567(P) to 569(P), 572(P), 578(P), 579(P), 667(P) to 670(P), 672(P), 673(P).
- Plot numbers to be acquired in village Fulkona (Part): 502(P), 504(P), 505(P), 509(P), 510(P), 512(P), 541(P), 543(P), 544, 545(P), 548(P), 552(P), 553(P), 555(P), 595(P) to 598(P), 893(P), 914(P), 917(P) to 919(P), 943(P), 944(P), 956(P) to 959(P), 962(P), 964(P), 1001(P), 1038(P), 1042(P), 1044(P) to 1046(P), 1054(P) to 1057(P), 1063(P), 1064(P), 1067(P) to 1069(P), 1277(P), 1278(P), 1318(P), 1319(P).
- Plot numbers to be acquired in village Khodri (Part): 593(P) to 596(P), 625(P), 627(P), 628(P), 630(P) to 633(P).
- Plot numbers to be acquired in village Kuhka (Part): 417(P), 418(P), 427(P) to 429(P), 448(P), 449(P), 453(P) to 456(P), 471(P), 472(P), 474(P).

Boundary description:**Block – I :**

- A-B Line starts from point 'A' and passes in village Baihatola through plot number 1380, 1379, 1405, 1364 and meets at point 'B'.
- B-B-1 Line starts from point 'B' and passes in village Katkona through plot number 602, 603 and meets at point 'B-1'.
- B-1-R Line starts from point 'B-1' and passes in village Katkona through plot number 603, 602 and enter in village Baihatola and passes through plot number 1364, 1404, 1380, 1382 and meets at point 'R'.
- R-A Line starts from point 'R' and passes in village Baihatola through plot number 1382, 1380 and meets at starting point 'A'.

Block – II :

- B-2-C Line starts from point 'B-2' and passes in village Katkona through plot number 609, 610, 611, 617, 616, 649, 651, 650, 662, 666, 667 and meets at point 'C'.
- C-D Line starts from point 'C' and passes in village Beliya through plot number 320, 322, 337, 335, 325, 334, 326, 327 and meets at point 'D'.
- D-E Line starts from point 'D' and passes in village Piparaha through plot number 3, 109, 108, 21, 18, 14, 15, 16, 46, 47, 48, 49, 60, 61, 66, 68, 69, 67, 360 and meets at point 'E'.
- E-F Line starts from point 'E' and passes in village Semra through plot number 158, 19, 18, 19, 24, 40, 38, 39, 38, 151, 38, 40, 114, 137, 116, 117, 118, 129, 171, 127, 181, 183, 186, 184, 451, 450, 543, 541, 540, 556, 560, 579, 578, 572, 673, 672, 668, 667 and meets at point 'F'.
- F-G Line starts from point 'F' and passes in village Fulkona through plot number 509, 510, 505, 504, 502, 541, 543, 544, 548, 553, 552, 598, 597, 596, 595, 1038, 1042, 1045, 1057, 1056, 1055, 1063, 1064, 1001, 1068, 1069, 958, 959, 956, 962, 964, 943, 944, Z-4, 919, 914, 917, 893, 1319, 1277, 1278 and meets at point 'G'.
- G-H Line starts from point 'G' and passes in village Khodri through plot number 593, 594, 595, 596, 633, 631, 630, 627, 628, 625 and meets at point 'H'.
- H-I Line starts from point 'H' and passes in village Kuhka through plot number 428, 427, 454, 455, 456, 418, 417, 472, 474 and meets at point 'I'.
- I-J-K Line starts from point 'I' and passes in village Kuhka through plot number 474, point 'J', 472, 471, 456, 455, 453, 427, 449, 448, 428, 429 and meets at point 'K'.
- K-L Line starts from point 'K' and passes in village Khodri through plot number 625, 628, 627, 632, 633, 596, 595, 594, 593 and meets at point 'L'.
- L-M Line starts from point 'L' and passes in village Fulkona through plot number 1278, 1277, 1319, 1318, 893, 917, 918, 914, 919, Z-4, 944, 964, 956, 957, 1069, 1067, 1064, 1063, 1055, 1054, 1056, 1045, 1046, 1042, 1038, 595, 596, 597, 598, 553, 555, 543, 541, 502, 504, 505, 510, 512 and meets at point 'M'.
- M-N Line starts from point 'M' and passes in village Semra through plot number 668, 669, 670, 672, 673, 572, 569, 568, 567, 560, 557, 539, 556, 539, 540, 541, 542, 543, 452, 184, 182, 181, 179, 127, 171, 129, 130, 117, 136, 137, 114, 40, 151, 37, 38, 24, 19, 158 and meets at point 'N'.
- N-O Line starts from point 'N' and passes in village Piparaha through plot number 360, 67, 70, 68, 66, 61, 62, 63, 48, 47, 84, 40, 45, 44, 17, 21, 108, 110, 109, 3 and meets at point 'O'.
- O-P Line starts from point 'O' and passes in village Beliya through plot number 327, 326, 334, 325, 335, 338, 337, 322, 320, 319 and meets at point 'P'.
- P-Q-B-2 Line starts from point 'P' and passes in village Katkona through plot number 666, 662, 650, 659, 651, 649, 619, 617, 611, 610, point 'Q', 609 and meets at starting point 'B-2'.

[F. No. 43015/09/2017-LA & IR]

R. S. SAROJ, Under Secy.

नई दिल्ली, 24 नवम्बर, 2017

का.आ. 2668.—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उप-धारा (1) के अधीन भारत सरकार में कोयला मंत्रालय के द्वारा जारी की गई अधिसूचना संख्या का. आ. 2900(अ) तारीख 7 सितम्बर, 2016 जो भारत के राजपत्र, असाधारण, भाग II, खंड 3, उप-खंड (i), तारीख 8 सितम्बर, 2016 में प्रकाशित की गई थी, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट परिक्षेत्र की भूमि में जिसका माप 237.598 हेक्टर (लगभग) या 587.10 एकड़ (लगभग) है, कोयले का पूर्वक्षण करने के अपने आदेश की सूचना दी थी;

और केन्द्रीय सरकार का यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विहित उक्त भूमि के भाग में कोयला अभिप्राप्य है:

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उप-धारा (1) द्वारा प्रदत्त भाक्तियों का प्रयोग करते हुए इससे संलग्न अनुसूची में वर्णित 230.681 हेक्टर (लगभग) या 570.01 एकड़ (लगभग) माप की उक्त भूमि का अर्जन करने के अपने आ आ की सूचना देती है;

टिप्पण 1 : इस अधिसूचना के अधीन आने वाले क्षेत्र के रेखांक संख्या बीएआर/एसयुआर/2017/21, तारीख 21 अगस्त, 2017 का निरीक्षण कलक्टर, जिला-अनुपपुर (मध्य प्रदे 1) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कोलकाता-700001 के कार्यालय में या साउथ ईस्टर्न कोलफील्ड्स लिमिटेड (राजस्व अनुभाग), सीपत रोड, बिलासपुर -495006 (छत्तीसगढ़) के कार्यालय में किया जा सकता है।

टिप्पण 2 : उक्त अधिनियम की धारा 8 के उपबंधों की ओर ध्यान आकृष्ट किया जाता है, जिसमें निम्नलिखित उपबंध है:-

“8. अर्जन की बाबत आपत्तियाँ.— (1) कोई व्यक्ति जो किसी भूमि में जिसकी बाबत धारा 7 के अधीन अधिसूचना निकाली गई है, हितबद्ध है, अधिसूचना के निकाले जाने से तीस दिन के भीतर सम्पूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उस पर के किन्हीं अधिकारों का अर्जन किए जाने के बारे में आपत्ति कर सकेगा।

स्पष्टीकरण.— इस धारा के अन्तर्गत यह आपत्ति नहीं मानी जाएगी कि कोई व्यक्ति किसी भूमि में कोयला उत्पादन के लिए स्वयं खनन सक्रियाएं करना चाहता है और ऐसी सक्रियाएं केन्द्रीय सरकार या किसी अन्य व्यक्ति को नहीं करनी चाहिए।

(2) उप-धारा (1) के अधीन प्रत्येक आपत्ति सक्षम अधिकारी को लिखित रूप में की जाएगी और सक्षम अधिकारी आपत्तिकर्ता को स्वयं सुने जाने, विधि व्यवसायी द्वारा सुनवाई का अवसर देगा और ऐसी सभी आपत्तियों को सुनने के पचास (50) दिनों के अंदर और ऐसी अतिरिक्त जाँच, यदि कोई हो, करने के पचास (50) दिनों के अंदर, जो वह आवश्यक समझता है, वह या तो धारा 7 की उप-धारा (1) के अधीन अधिसूचित भूमि का या ऐसी भूमि में या उस पर के अधिकारों के संबंध में एक रिपोर्ट या ऐसी भूमि के विभिन्न टुकड़ों का या ऐसी भूमि में या उस पर के अधिकारों के संबंध में आपत्तियों पर अपनी सिफारिशों और उसके द्वारा की गई कार्यवाही के अभिलेख सहित विभिन्न रिपोर्टें केन्द्रीय सरकार को उसके विनिर्दिष्ट दिनांक के लिए देगा।

(3) इस धारा के प्रयोजनों के लिए वह व्यक्ति किसी भूमि में हितबद्ध समझा जाएगा जो प्रतिकर में हित का दावा करने का हकदार होगा, यदि भूमि या किसी ऐसी भूमि में या उस पर के अधिकार इस अधिनियम के अधीन अर्जित कर लिए जाते हैं। “

टिप्पण 3: केन्द्रीय सरकार ने कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कोलकाता-700001 को उक्त अधिनियम के अधीन भारत के राजपत्र, भाग II, खंड 3, उप-खंड (i), तारीख 4 अप्रैल, 1987 द्वारा अधिसूचना संख्या का. आ. 905, तारीख 20 मार्च, 1987 द्वारा सक्षम प्राधिकारी नियुक्त किया है।

अनुसूची

आमाडांड ब्लॉक ।। और अमृतधारा और झिरिया ब्लॉक (बरतर्ई आमाडांड यूजी)

जमुना कोतमा क्षेत्र

जिला— अनूपपुर, मध्य प्रदेश

(रिखांक संख्या बीएआर/एसयूआर/2017/21, तारीख 21 अगस्त, 2017)

भू-सतह अधिकार:

[illegible]

1. ग्राम आमाडांड (भाग) में अर्जित किए जाने वाले प्लॉट संख्या: 509 से 517, 521, 522, 556, 557, 583, 590 से 594, 599 से 735, 748 से 750, 816 से 878, 880 से 887, 1289(भाग), 1290 से 1303, 1304(भाग), 1305(भाग), 1309(भाग), 1310(भाग), 1311, 1312, 1313(भाग), 1341, 1342(भाग), 1369(भाग), 1371 से 1375, 1376(भाग), 1377, 1378(भाग), 1380 से 1510, 1511(भाग), 1512(भाग), 1514 से 1519, 1520(भाग), 1521(भाग), 1543(भाग), 1544(भाग), 1545(भाग), 1610, 1611, 1612(भाग), 1613(भाग), 1614 से 1616, 1617(भाग), 1618, 1619(भाग), 1630(भाग), 1639(भाग), 1640 से 1646, 1647(भाग), 1648 से 1676, 1681, 1682, 1690 से 1692, 1694.
2. ग्राम मलगा (भाग) में अर्जित किए जाने वाले प्लॉट संख्या: 846 से 871, 876 से 880, 887, 931 से 967, 969 से 974, 976 से 982, 1022 से 1086, 1278 से 1280, 1335 से 1372, 1375 से 1377, 1379 से 1390, 1401 से 1413, 1418 से 1420, 1422 से 1436, 1439 से 1592, 1598 से 1601, 1605 से 1608, 1610 से 1669, 1685 से 1726, 1729(भाग), 1730 से 1754, 1755(भाग), 1756(भाग), 1757 से 1761, 1929(भाग), 2210 से 2212, 2213(भाग), 2214 से 2228, 2231 से 2248, 2251, 2281 से 2285, 2472, 2473.

सीमा वर्णन :

क-ख	रेखा, बिन्दु "क" से आरंभ होती है और ग्राम आमाडांड के प्लॉट संख्या 509, 510, 512, 517, 516, 521, 522, 556 के उत्तरी सीमा से होती हुई जाती है और बिन्दु "ख" पर मिलती है।
ख-ग	रेखा, बिन्दु "ख" से आरंभ होती है और ग्राम आमाडांड के प्लॉट संख्या 556, 557, 599, 594, 591, 590 के पश्चिमी सीमा, 583, 730, 731, 732, 735, 748, 749, 750, 822, 820, 821, 817, 816 के उत्तरी सीमा से होती हुई जाती है और बिन्दु "ग" पर मिलती है।
ग-घ	रेखा, बिन्दु "ग" से आरंभ होती है और ग्राम आमाडांड के प्लॉट संख्या 816, 841, 843, 878, 880, 881, 887, 885, 1651, 1650 के पश्चिमी सीमा, 1645, 1630 से होती हुई जाती है और बिन्दु "घ" पर मिलती है।
घ-ङ	रेखा, बिन्दु "घ" से आरंभ होती है और ग्राम आमाडांड के प्लॉट संख्या 1646, 1642 के उत्तरी सीमा, 1639, 1619, 1617 से होकर, 1614 के उत्तरी सीमा, 1612, 1521, 1520 से होकर, 1519, 1518 के उत्तरी सीमा, 1543, 1544, 1545 से होकर 1511, 1512, 1289, 1304, 1305, 1310, 1309, 1313 के उत्तरी सीमा से होती हुई जाती है और बिन्दु "ङ" पर मिलती है।
ङ-च	रेखा, बिन्दु "ङ" से आरंभ होती है और ग्राम आमाडांड के प्लॉट संख्या 1309, 1312, 1341 के पश्चिमी, 1342 से होकर 1371, 1373 के पश्चिमी सीमा 1369, 1376, 1378 से होकर 1381, 1380 के पश्चिमी सीमा से होती हुई जाती है और बिन्दु "च" पर मिलती है।
च-छ	रेखा, बिन्दु "च" से आरंभ होती है और ग्राम आमाडांड के प्लॉट संख्या 1380, 1382, 1384, 1388, 1389 के दक्षिणी सीमा से होती हुई जाती है और बिन्दु "छ" पर मिलती है।
छ-ज	रेखा, बिन्दु "छ" से आरंभ होती है और ग्राम आमाडांड-भलवाही के भागतः सम्मिलित सीमा से होती हुई जाती है और बिन्दु "ज" पर मिलती है।
ज-झ-ञ-ट	रेखा, बिन्दु "ज" से आरंभ होती है और ग्राम मलगा-भलवाही के भागतः सम्मिलित सीमा, बिन्दु 'झ', बिन्दु 'ञ' से होती हुई जाती है और बिन्दु "ट" पर मिलती है।
ट-ठ	रेखा, बिन्दु "ट" से आरंभ होती है और ग्राम मलगा के प्लॉट संख्या 1669, 1668, 1667, 1685, 1686, 1687, 1761, 1757 के दक्षिणी सीमा, 1756, 1755, 1929, 2210, 2212, 2113 से होकर प्लॉट संख्या 2228, 2227, 2231, 2232 के दक्षिणी सीमा से होती हुई जाती है और बिन्दु "ठ" पर मिलती है।
ठ-ड-ढ	रेखा, बिन्दु "ठ" से आरंभ होती है और ग्राम मलगा के प्लॉट संख्या 2232, 2235, 2236, 2285, 2284, 2281, 2282, 2248, 2251 के पूर्वी सीमा बिन्दु 'ड', 2251, 2245 के उत्तरी सीमा, 1729 से होती हुई जाती है और बिन्दु "ढ" पर मिलती है।
ढ-ण	रेखा, बिन्दु "ढ" से आरंभ होती है और ग्राम मलगा के प्लॉट संख्या 1723, 1724, 1726, 1337, 1336, 1335, 1280 के पूर्वी, 1278, 1388, 1390, 1379 के उत्तरी एवं 1377, 1375 के पूर्वी सीमा से होती हुई जाती है और बिन्दु "ण" पर मिलती है।
ण-त	रेखा, बिन्दु "ण" से आरंभ होती है और ग्राम मलगा के प्लॉट संख्या 1372, 1401 के पूर्वी सीमा, 1409 से होकर 1413, 1422, 1419, 1418, 1435, 1436, 1441, 1439, 1086, 1085, 1023, 1022 के पूर्वी सीमा 1022, 1024, 1025 के उत्तरी सीमा 867 के पूर्वी सीमा से होती हुई जाती है और बिन्दु "त" पर मिलती है।
त-थ	रेखा, बिन्दु "त" से आरंभ होती है और ग्राम मलगा के प्लॉट संख्या 950, 951 के दक्षिणी सीमा, 951, 957, 958, 981, 979, 978, 977, 976 के पूर्वी सीमा से होती हुई जाती है और बिन्दु "थ" पर मिलती है।
थ-क	रेखा, बिन्दु "थ" से आरंभ होती है और ग्राम मलगा के प्लॉट संख्या 976, 974, 969, 967, 931, 887, 880, 876, 871, 865, 847, 846 से होती हुई जाती है और आरंभिक बिन्दु "क" पर मिलती है।

[फा.सं. 43015/39/2017-एलए एण्ड आईआर]

राम भिरोमणि सरोज, अवर सचिव

[illegible]

1. Plot numbers to be acquired in village Amadand (Part): 509 to 517, 521, 522, 556, 557, 583, 590 to 594, 599 to 735, 748 to 750, 816 to 878, 880 to 887, 1289(P), 1290 to 1303, 1304(P), 1305(P), 1309(P), 1310(P), 1311, 1312, 1313(P), 1341, 1342(P), 1369(P), 1371 to 1375, 1376(P), 1377, 1378(P), 1380 to 1510, 1511(P), 1512(P), 1514 to 1519, 1520(P), 1521(P), 1543(P), 1544(P), 1545(P), 1610, 1611, 1612(P), 1613(P), 1614 to 1616, 1617(P), 1618, 1619(P), 1630(P), 1639(P), 1640 to 1646, 1647(P), 1648 to 1676, 1681, 1682, 1690 to 1692, 1694.
2. Plot numbers to be acquired in village Malga (Part): 846 to 871, 876 to 880, 887, 931 to 967, 969 to 974, 976 to 982, 1022 to 1086, 1278 to 1280, 1335 to 1372, 1375 to 1377, 1379 to 1390, 1401 to 1413, 1418 to 1420, 1422 to 1436, 1439 to 1592, 1598 to 1601, 1605 to 1608, 1610 to 1669, 1685 to 1726, 1729(P), 1730 to 1754, 1755(P), 1756(P), 1757 to 1761, 1929(P), 2210 to 2212, 2213(P), 2214 to 2228, 2231 to 2248, 2251, 2281 to 2285, 2472, 2473.

Boundary description:

- | | |
|---------|---|
| A-B | Line starts from point 'A' and passes in village Amadand along northern boundary of plot number 509, 510, 512, 517, 516, 521, 522, 556 and meets at point 'B'. |
| B-C | Line starts from point 'B' and passes in village Amadand along western boundary of plot number 556, 557, 599, 594, 591, 590, northern boundary of plot number 583, 730, 731, 732, 735, 748, 749, 750, 822, 820, 821, 817, 816 and meets at point 'C'. |
| C-D | Line starts from point 'C' and passes in village Amadand along western boundary of plot number 816, 841, 843, 878, 880, 881, 887, 885, 1651, 1650, through 1645, 1630 and meets at point 'D'. |
| D-E | Line starts from point 'D' and passes in village Amadand along northern boundary of plot number 1646, 1642, through 1639, 1619, 1617, along northern boundary of 1614, through 1612, 1521, 1520, along northern boundary of 1519, 1518, through 1543, 1544, 1545, along northern boundary of 1511, 1512, 1289, 1304, 1305, 1310, 1309, 1313 and meets at point 'E'. |
| E-F | Line starts from point 'E' and passes in village Amadand along western boundary of plot number 1309, 1312, 1341, through 1342, along western boundary of 1371, 1373, through 1369, 1376, 1378, along western boundary of 1381, 1380 and meets at point 'F'. |
| F-G | Line starts from point 'F' and passes in village Amadand along southern boundary of plot number 1380, 1382, 1384, 1388, 1389 and meets at point 'G'. |
| G-H | Line starts from point 'G' and passes along partly common boundary of villages Amadand-Bhalwahi and meets at point 'H'. |
| H-I-J-K | Line starts from point 'H' and passes along partly common boundary of villages Malga-Bhalwahi, point 'I', point 'J' and meets at point 'K'. |
| K-L | Line starts from point 'K' and passes in village Malga along southern boundary of plot number 1669, 1668, 1667, 1685, 1686, 1687, 1761, 1757, through 1756, 1755, 1929, 2210, 2212, 2113, along southern boundary of 2228, 2227, 2231, 2232 and meets at point 'L'. |
| L-M-N | Line starts from point 'L' and passes in village Malga along eastern boundary of plot number 2232, 2235, 2236, 2285, 2284, 2281, 2282, 2248, 2251, point 'M', northern boundary of 2251, 2245, through 1729 and meets at point 'N'. |
| N-O | Line starts from point 'N' and passes in village Malga along eastern boundary of plot number 1723, 1724, 1726, 1337, 1336, 1335, 1280, northern boundary of 1278, 1388, 1390, 1379, eastern boundary of 1377, 1375 and meets at point 'O'. |
| O-P | Line starts from point 'O' and passes in village Malga along eastern boundary of plot number 1372, 1401, through, 1409, along eastern boundary of 1413, 1422, 1419, 1418, 1435, 1436, 1441, 1439, 1086, 1085, 1023, 1022, northern boundary of 1022, 1024, 1025, eastern boundary of 867 and meets at point 'P'. |
| P-Q | Line starts from point 'P' and passes in village Malga along southern boundary of plot number 950, 951, eastern boundary of 951, 957, 958, 981, 979, 978, 977, 976 and meets at point 'Q'. |
| Q-A | Line starts from point 'Q' and passes in village Malga along northern boundary of plot number 976, 974, 969, 967, 931, 887, 880, 876, 871, 865, 847, 846 and meets at starting point 'A'. |

[F.No. 43015/39/2017-LA & IR]

RAM SHIROMANI SAROJ, Under Secy.

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 16 नवम्बर, 2017

का.आ. 2669.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स बीसीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, धनबाद के पंचाट (संदर्भ संख्या 50/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04.10.2017 को प्राप्त हुआ था।

[सं. एल-20012/50/2015-आईआर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 16th November, 2017

S.O. 2669.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Dhanbad (Ref. No. 50 of 2015) as shown in Annexure, in the industrial dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 04.10.2017.

[No. L-20012/50/2015-IR (CM-I)]

M. K. SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2), AT DHANBAD****Present :** Shri R. K. Saran, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

Reference No. 50/2015

PARTIES : The Joint Gen. Secretary,
Bahujan Mazdoor Union,
Mines Rescue Station, PO: Dhansar, Dhanbad.

Vs.

The General Manager,
E.J. Area of M/s BCCL, PO: Bhowra, Dhanbad.

Order No.L-20012/50/2015-IR (CM-I) dt. 07.07.2015**APPEARANCES :**

On behalf of the workman/Union : Mr. R.R. Ram, Ld. Advocate

On behalf of the Management : Mr.D.K.Verma, Ld. Advocate

State : Jharkhand

Industry : Coal

Dated, Dhanbad, 14th August, 2017**AWARD**

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec.10(1)(d) of the I.D. Act.,1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. **L-20012/50/2015-IR (CM-I) dt. 07.07.2015.**

SCHEDULE

“Whether the action of the Management of Amlabad Project under E.J.Area of M/s. BCCL in dismissing Shri Achhe Kumar Lal, Ex-M/Loader, Pers. No. 03020807 from the services of the Company, vide letter no. BCCL/AMBD/2002/PS/6725-34 dated 30/06.10.11.2002 is fair and justified? To what relief the concerned workman is entitled to?”

On receipt of the Order No. L-20012/50/2015-IR (CM-I) dt. 07.07.2015 of the above mentioned reference from the Government of India, Ministry of Labour & Employment, New Delhi for adjudication of the dispute, the Reference Case No. 50-2015 was registered on 20.07.2015 and accordingly an order to that effect was passed to issue notices through the Registered Posts to the parties concerned, directing them to appear in the Court on the date fixed, and to file their written statements along with the relevant documents. In pursuance of the said order, notices by the Registered Posts were sent to the parties concerned.

Both the parties made their appearances and filed their pleadings and photocopies of their documents. The Union and the O.P./Management through their own Ld. Counsels appeared respectively, and contested the case.

2. This Reference case is in relation to dismissal of the delinquent workman Shri Achhe Kumar Lal, Ex M. Loader of permanent status, holding his Personnel No. 03020807 of Amlabad Project under E.J. Area of M/s BCCL The whole episode of the issue as narrated in WS is that the workman had been performing his job with utmost sincerity holding unblemished service career record .He had been punctual and regular The workman had been served charge sheet by the Management over alleged absentism citing as ground . Though workman replied to the charge sheet to the best of capability to satisfy the Management to the extent ,the workman could .The said absentism had attributed to abruptly sickness in sever condition to his wife and children at his remote native place so the workman left for native place for better treatment . Workman tried his best to convey the matter to the Management through his colleague but only verbally in an open admission under W.S. Workman's wife suffering from Jaundice had been cured after six months but the treatment so long as his children concerned , continued even after that is why the workman had to stay for more time .Finally when he was back for resuming of duty presenting formal representation to the Authority concerned ,contrary to it, the Management came up with charge sheet serving to the delinquent workman , but went ahead in its calculative move by constituting a domestic enquiry to get to the bottom of the fact of said misconduct of absentism. The workman concerned participated in said enquiry proceedings and apprised them of the situation he had to stay on prolonged period rather Management arbitrarily, illegally and unjustifiably dismissed him from service w.e.f. 10.11.2002 putting a question mark over the proceedings and report .So the alleged act of the dismissal is unfair and unjustified and thus is liable to be set aside with reinstatement in service with full back wages ,as stated in WS. by the Union on behalf of the workman.

3. In challenge to it, the contra case of the O.P./Management with categorical denials is that the present reference is not maintainable either in law or in facts; contending further the demand of the Union is hypothetical, the workman is not entitled to any relief with further assertion that the dismissal order of the workman was not merely singled out to one incident engulfing therein but taking into consideration of his service records as to poor attendances in the past . The demand of the Union is fabricated and concocted to twist the case in its favour The Competent Authority issued charge sheet dated 29/30.22.2001 after the workman had started absenting from duty since 26.09.2001 which attracts misconduct according to clause 26.1.1. of the Certified Standing Orders ,a by- laws of the Said Company .The so called reply was by and large remained unsatisfactory leading to setting up a domestic enquiry to go to the bottom of the facts .The Enquiry was held with strictly following principle of the natural justice in the presence of the workman and was found guilty of the charge, brought in against him in the said Enquiry .Going ahead the Disciplinary Authority stepped up further by issuing a second Show Cause Notice seeking explanation of the said absentism which too remained unresponsive on his part .Thus finally the Disciplinary Authority took final call of dismissal order after having been found guilty of misconduct, the workman committed. So the conduct and manner in which enquiry held, never got mired at any stage rather full opportunity was provided to come out in his defence .Even in eventuality of not being convinced, the Management does stand by its words to adduce afresh evidence. At last the dismissal stands legal and justified with no violation of the natural justice, the workman deserves for, as stated by Management

4. There is nothing unusual ,unprecedented of the case like this one in the collieries under the Management of M/s BCCL ,a group of collieries ,based at Dhanbad where such cases seldom gained significant just because despite all out safety apparatus and proper mechanism in place and its periodical reviews, tragic accidents more or less take place whatsoever of reasons. Workers mostly hailing illiteracy back ground usually feel hesitation and insecurity that strike panic in their heart to work in underground Mines .They usually tend to resort to leave even upon slightest illness/ urgent call, sometimes in violation the rules and byelaws. Undeniably, the working condition in most of the collieries barring few is by and large unhygienic and not conducive to a larger extent apart from arduous nature of work despite lots up gradation in Management's a host of preventive measures. The Management countered each of the allegations justifying its cause of action after having exhausted all avenues of channels of proceedings, seems laudable before initiating the final punishment of dismissal that left the workman in lurch. So long as any adverse point to the workman concerned, it did not figure out in sight barring only the ground of absentism. The punishment. so imposed seems too harsher to bear upon by the poor worker like the workman concerned to sustain livelihood with family. As such the workman needs a little bit breather by way of fresh employment. The punishment of dismissal inflicted upon the workman to the alleged misconduct of absentism, he committed, however does not stand

proportionate and fair, rather be termed harsher in natural justice as he was robbed off his bread and butter with no means of alternative livelihood in days of hardships.

5. Hence It is of the view that the move will not be termed wrong and improper and against the natural justice with a sole eye of easing out perpetuating industrial unrest if the workman concerned be provided a little bit breather by way of employment as fresher in Cat.-I as General Mazdoor with an sole eye to easy out perpetuating industrial unrest. Thus it is ordered for fresh employment of the workman concerned as in the lowest as Cat. - I with probation period rolling over up to 2 years, with no question of back wages, whatsoever.

R. K. SARAN, Presiding Officer

नई दिल्ली, 16 नवम्बर, 2017

का.आ. 2670.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स बीसीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, धनबाद के पंचाट (संदर्भ संख्या 79/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26.10.2017 को प्राप्त हुआ था।

[सं. एल-20012/93/2015-आईआर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 16th November, 2017

S.O. 2670.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Dhanbad (Ref. No. 79 of 2015) as shown in Annexure, in the industrial dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 26.10.2017.

[No. L-20012/93/2015-IR (CM-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2), AT DHANBAD

Present : Shri R. K. Saran, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

Reference No. 79/2015

PARTIES : The Secretary,
Jharkhand Janta Mazdoor Sangh,
Vishwakarma Colony, Nutundih,
PO: Jagjivan Nagar, Dhanbad.-826003 (Jharkhand).

Vs.

The General Manager,
P.B.Area of M/s BCCL,
P.O. Kusunda, Distt: Dhanbad.828116.

Order No.L-20012/93/2015-IR(CM-I) dt. 12.10.2015

APPEARANCES :

On behalf of the workman/Union : Mr. Pintu Mandal, Ld. Representative

On behalf of the Management : Mr. D.K. Verma, Ld. Advocate

State : Jharkhand

Industry : Coal

Dated, Dhanbad, 31st July, 2017

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec.10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/93/2015-IR (CM-I) dt. 12.10.2015.

SCHEDULE

“Whether the action of the Management of Burragarh Colliery of M/s. BCCL in dismissing Shri Deo Kumar Bhuia, Ex- M. Loader from the services vide letter dated 21.07.2004 is fair and justified? To what relief the concerned workman is entitled to?”

On receipt of the Order No. **L-20012/93/2015-IR (CM-I) dt. 12.10.2015** the above mentioned reference from the Government of India, Ministry of Labour & Employment, New Delhi for adjudication of the dispute, the Reference Case No. 79 of 2015 was registered on 26.10.2015 and accordingly an order to that effect was passed to issue notices through the Registered Posts to the parties concerned, directing them to appear in the Court on the date fixed, and to file their written statements along with the relevant documents. In pursuance of the said order, notices by the Registered Posts were sent to the parties concerned.

Both the parties made their appearances and filed their pleadings and photocopies of their documents. The Union and the O.P./Management through their own Representative/ Ld. Counsel respectively appeared, and contested the case to the extent the case was reserved for Award.

2. This Reference case is in relation to dismissal of the delinquent workman Shri Deo Kumar Bhuia, designating as Ex. M. Loader employee posted at Burragarh Colliery, having Personal No. 02983013 under the Management of BCCL, a Group of the Collieries based at Dhanbad. The whole episode of the issue is, as narrated, by the Union in WS. that the workman had fallen sick since 22.01.2004 and reported his sickness to the management accordingly. After recovery when the workman reported himself for duty to the Management with Fitness Certificate, he was flatly denied and even not allowed to join for no fault of misconduct as emerged out from the Certified Standing Order and bye-laws of the Company, rather it went ahead with its calculative move by issuing of Charge sheet for committing misconduct. The workman replied to the said charge sheet and subsequently, appeared in the Domestic Enquiry constituted later on blaming the said enquiry as unfair, improper and not in the line of the natural justice. The absent from duty had exclusively attributed to workman's sickness and nothing else, as alleged in the WS. Though the charge of misconduct brought upon against the workman, was not established in course of the Enquiry so the dismissal for committing petty misconduct had shockingly a serious blow and disproportionate as it stands capital punishment in service arenas. The workman was worst hit being rubbed off his livelihood in days hardship. Post dismissal the workman's appeal for reinstatement was made but to no avail. At last the workman cried these all the alleged acts of the Management as foul and arbitrariness with appeal for restoring him to the actual job with arrear.

3. Whereas it holds against the fact, as denying categorically all the allegations brought in by the Sponsoring Union/workman, the Management argued raising question over maintainability of Industrial Dispute any more even after elapse of more than eleven years from the date of dismissal of workman concerned as the Union do not have no locus standi to raise the Industrial Dispute. It is an extreme example of gross negligence that got rooted deep on the part of the workman leading to his dismissal by virtue of, not merely singled out to a specific incident. The so called misconduct under the clause 26.1.2. of the Certified Standing Order, the Management charged with the workman and issuance of charge sheet at his home address is all about itself a testimony of strictly adherence of the natural justice as the practice, contrary to it the workman concerned kept on indulging himself in absentism and turned it into habitual practice with no sign of abating in spite of full force with which the Management did its best not to let the efforts go in vain by slapping punishment periodically stoppage of SPRAs before resumption of duty on several counts during workman service career. The issue, in quest, was referred to by holding Domestic Enquiry to go to bottom of the facts and he was held guilty of the charges brought against him. The enquiry conducted in the presence of the workman concerned and even allowed the workman to cross OP/Management witnesses. So the deposition in enquiry to larger extent was in full transparent way even the second Show Cause Notice sent by the Disciplinary Authority was by and large remained unresponsive.

Finally, the Disciplinary Authority came forward with handing out the dismissal letter dt.21.07.2004 only after going through his past history of cases on absentism inclusive this one. The Management found it a grave misconduct. So the enquiry is fair and justified and nothing sort of violation of the natural justice as the workman enjoyed the full opportunity to defend the case. Thus, neither there was any short of violation of the natural justice, nor did it get mired at any stage as alleged by the petitioner/Union rather the said enquiry stands as fair, proper and just.

4. So long as it concerned to Group of the Collieries under the Management of M/s BCCL, a part of the Coal India Ltd., there is no longer unusual the incident like this one where numerous cases on such backgrounds might have been pouring in slowly but steadily and the matter never gets more complicated when the labour forces are involved. Undeniably the workmen are usually scared of stepping into the underground Mines due to safety hazards and unhealthy conditions, surrendering in and around the site despite best of safety mechanism/technique in place. Workers hailing mostly illiteracy backgrounds prefer remaining on absence for prolonged period rather to apprise the Management of bare facts/ordeal; they face, without taking the Management into confidence that symbolizes breaching

of trust between the Employer and –Employee relationship. Though allegations and its counter by both of the parties respectively are set to be logical and rational in its form. There is nothing adverse report against the workman barring this one. Though alleged absenteeism had cost him employment The punishment imposed to the misconduct against the workman shielding under the name of penalty appears to be disproportionate and a little bit harsher to bear and what needs above anything else ,a fresh outlook to ease out of strain in Industrial relationship.

5. The workman concerned who was stripped of his livelihood , needs little with breather, be provided one more opportunity by offering him fresh appointment in the lowest Grade with two- year probation subject to being found medically fit with full proof of his Identity and determination of his actual age with statutory Record. Therefore it is ordered that the worker concerned be appointed as fresher in the lowest Gat-I with two-year period on probation only ensuring compliance of the above laid down conditions before appointment but no back wages whatsoever.

R. K. SARAN, Presiding Officer

नई दिल्ली, 16 नवम्बर, 2017

का.आ. 2671.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स बीसीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, धनबाद के पंचाट (संदर्भ संख्या 112/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25.10.2017 को प्राप्त हुआ था।

[सं. एल-20012/193/1999-आईआर (सी -I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 16th November, 2017

S.O. 2671.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Dhanbad (Ref. No. 112 of 2004) as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 25.10.2017.

[No. L-20012/193/1999-IR (C-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2), AT DHANBAD

Present : Shri R. K. Saran, Presiding Officer

In the matter of an Industrial Dispute under Section 10 (1) (d) of I.D. Act, 1947

Reference No. 112/2004

PARTIES : The Area Secretary,
Bihar Colliery Kamgar Union,
At/PO Bhowra, Distt: Dhanbad-826001

Vs.

The General Manager,
E.J.Area, Sudamdih M/s BCCL,
PO: Sudamdih, Dhanbad.

Order No. **L-20012/193/99-IR (C-I) dt. 18.08.99.**

APPEARANCES :

On behalf of the workman/Union : Workman himself and Union Rep.

On behalf of the Management : Mr. D.K.Verma, Ld. Advocate

State : Jharkhand

Industry : Coal

Dated, Dhanbad, 07th August, 2017

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec.10(1)(d) of the I.D. Act.,1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/193/99-IR (C-I) dt. 18.08.99.

SCHEDULE

“Whether the action of the Management of Sudamdih Shaft Mine of M/s. BCCL in dismissing Sri Ram Charitra Turi from the service of the Company w.e.f. 09.02.94 on grounds of unauthorized absence from duty is justified? If not, to what relief the concerned workman is entitled ?”

On receipt of the Order No.L-20012/193/99-IR (C-I) dt. 18.08.99 of the above mentioned reference from the Government of India, Ministry of Labour & Employment, New Delhi for adjudication of the dispute, the Reference Case No. 50-2015 was registered on 01.10.2004 and accordingly an order to that effect was passed to issue notices through the Registered Posts to the parties concerned, directing them to appear in the Court on the date fixed, and to file their written statements along with the relevant documents. In pursuance of the said order, notices by the Registered Posts were sent to the parties concerned.

Both the parties made their appearances and filed their pleadings and photocopies of their documents. The Union and the O.P./Management through their own Ld. Counsels appeared respectively, and contested the case.

2. This Reference case too deals with the case of dismissal of the workman Ram Charitra, a permanent employee of Sudamdih Shaft Mines of M/s BCCL had been performing his job satisfactorily maintaining his service records unblemished since long. During the long period of service the workman concerned developed T.B. and underwent treatment but his health kept deteriorating and reached a stage beyond control that was forced him to start absenting from duty on and from 15.02.1993. After recovery from illness when the workman went to join duty with Medical Certificate the Management neither considered his request nor did let him join the duty throwing him out of employment as the workman had been idle as he was robbed of his livelihood. Though the Management assured the workman of employment after considering his representation that kept in abeyance but it was never materialized. The workman concerned hailing from schedule caste, came into employment in exchange of the land acquired by the Management. Notwithstanding, the Management went ahead with part of the larger plan issued charge sheet to the workman framing absentism as ground for misconduct simultaneously constituting an departmental enquiry that conducted enquiry ex-parte finding him guilty of the charge levelled against him, In the a foresaid enquiry the workman was never provided chance to defend his case and even debarred from Show cause notice, which amounts not justified in the eye of law and against the principle, of natural justice and shockingly disproportionate. There is no records for any intention or regular neglecting manner for absentism from duty beyond control over the circumstance. The gravity of alleged misconduct is less than the punishment has given as dismissal, which is unwarranted, illegal and arbitrary. The dismissal from service to workman has been in the line of severe violation of Sec.25 F of the I.D.Act,1947 which is bad in law and invalid paving the way for the workman for reinstatement in service with full back wages with other consequential benefits since the date he was dismissed from service.

3. In challenge to it, the contra case of the O.P./Management with categorical denials is that the present reference is not maintainable either in law or in facts; contending further the demand of the Union is hypothetical, the workman is not entitled to any relief. The Management went on with further assertion that that the dismissal order of the workman was not singled out to one incident engulfing therein but taking into aspect of his poor attendances in the past couple of years. the workman an permanent employee under the Employer was in the habit of remaining absent without leave and no satisfactory cause. He had been a habitual offender slowly but steadily. He started absenting from duty from 15.02.1993 without leave against which a charge sheet was issued for a misconduct under the Certified Standing Order of the Company to which the workman did not bother to reply. The Said act led to formation of an Enquiry Officer with assigned of going to the bottom of the fact of the issue, issued several notice to appear in the enquiry on several occasions asking the workman to take part in the proceedings and even briefing adjournment of enquiry on each notice just because of his absence on previous dates but the workman prefer to evade turning up before the Enquiry Committee resulting in let the said enquiry be conducted ex-parte holding the workman guilty of the charge levelled against him. So there is nothing sort of violation of natural justice in the said enquiry as alleged by the Union rather it stands justified, proper and in the line of the natural justice. The Disciplinary Authority having gone through the enquiry proceedings and its findings and related papers fully agreed in principle and the past conduct of his attendance after proper application of mind, inflicted the punishment of dismissal from service which is absolutely right the workman deserved for. So the conduct and manner in which enquiry held never got mired at any stage. Even in eventuality of not being convinced, the Management does stand by its words to adduce fresh evidence.

5. Though there is nothing unusual and unprecedented event like this as several hundred cases on same footing happened in the Collieries earlier under the management of BCCL. The work nature of the Colliery Worker is obviously arduous and tedious at all apart from at all time being in hale & hearty in physical structure too to work in

the hazardous atmospheres under beneath of several fetes or more from the surface where quantum of oxygen sometimes reduces drastically leading to causality or suffocation. So workman do not hesitate to proceed on prolonged leave even on slightest pretext of reasons on one score or another before stepping into the underground Mines despite improved safety mechanism in place by the Management. Notwithstanding there was no deterrent to avert the tragic accident in the Mines, and for which mostly workmen are still afraid of . As such the move will not be called unjust and wrong-doings if the workman be provided a little reprieve to reform himself .

Hence it is of the view that the move will not be termed wrong and improper and against the natural justice if the workman concerned be provided a little bit breathers by way of employment as fresher in Cat.-I as General Mazdoor. So it is ordered for fresh appointment of the workman concerned in the lowest grade with probation rolling over to two years with no back wages whatsoever.

R. K. SARAN, Presiding Officer

नई दिल्ली, 16 नवम्बर, 2017

का.आ. 2672.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स जेएसी एयर सर्विसेज प्राइवेट लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, दिल्ली के पंचाट (संदर्भ संख्या 291/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.11.2017 को प्राप्त हुआ था।

[सं. एल-11012/3/2011-आईआर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 16th November, 2017

S.O. 2672.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, New Delhi (Ref. No. 291 of 2011) as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. JAC Air Services Pvt. Ltd. and their workmen, which was received by the Central Government on 06.11.2017.

[No. L-11012/3/2011-IR (CM-I)]

M. K. SINGH, Section Officer

ANNEXURE

IN THE COURT OF SHRI AVTAR CHAND DOGRA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO.1, KARKARDOOMA COURT COMPLEX, DELHI

ID No. 291/2011

Vijay Kumar-II S/o Shri Mange Ram
Village Gadaipur, PO Pahari,
Tehsil Patoudi, Dt. Gurgaon,
Haryana – 122 502

...Workman

Versus

The Executive Director,
JAC Air Services Pvt. Ltd.,
International Cargo Terminal,
Public Amenities Building, Ground Floor,
IGI Airport, New Delhi – 110 037

...Management

AWARD

Brief facts giving rise to the present petition are that a reference was received from the Ministry of Labour vide letter No.L-11012/3/2011-IR(CM-I) dated 19.08.2011 with the following terms:

‘Whether the action of the management of JAC Air Services Pvt. Ltd. in dismissing the services of Shri Vijay Kumar-II, S/o Shri Mange Ram, ex-Supervisor without any notice or pay in lieu of notice period and retrenchment compensation is just, fair and legal? To what relief the workman concerned is entitled to?’

2. Both the parties were put to notice and thereafter, Shri Vijay Kumar, the workman herein filed statement of claim with the averments that he was working with the management (JAC Air Services Pvt. Ltd.) as Loader and later on he was promoted as supervisor and was drawing a salary of Rs.8000.00 per month. He was performing his duties honestly and sincerely and had never been charge sheeted in the past.

3. The management issued ESI facilities bearing No.4801117 vide employment code No.1277 to the workman. Later on management falsely leveled allegation upon the workman which is purely false and unwarranted since the management always wanted to terminate the services of the workman. On 15.09.2009, the workman was suspended with false and frivolous allegations and filed reply to the notice served by the management. A false charge sheet dated 25.09.2009 was given to the workman and management did not consider the reply filed by the workman herein. Enquiry proceedings was conducted in an illegal manner against the workman. The workman was not given any notice fee or compensation etc. before issuance of the charge sheet to the workman. Later on, management illegally terminated services of the workman on 27.01.2010 without any rhyme or reason. Management has violated labour laws intentionally and deliberately. The workman on 08.02.2010 sent written explanation against the order of dismissal dated 27.01.2010. However, the management did not send any reply to the workman. Complaint was filed by the workman before the Labour Officer, wherein the management also appeared. Finally, a prayer has been made by the workman, directing the management to reinstate him with full back wages.

4. Management has filed amended written statement wherein it has been alleged that the workman herein was a contractual employee under M/s JAC Air Services Pvt. Ltd.. Though he was temporary/contractual employee, no regular enquiry was required to terminate his services. However, principle of natural justice has been followed by the management. It was reported by Delhi International Airport (P) Ltd. that seal of 1/9 DIP Mail Package was found broken due to mishandling of loader No.1037, Mr. Chhotu, who was working under Shri Vijay Kumar, Supervisor, who misbehaved and argued loudly with the senior supervisor in the presence of others instead of admitting his mistake. Finally, the said loader of Vijay Kumar group was replaced. Behaviour of Shri Vijay Kumar was not good towards his seniors and in view of the above incident, order of suspension was issued to Shri Vijay Kumar on 15.05.2009. Thereafter, charge sheet dated 25.06.2009 containing article of 12 charges was also issued to Shri Vijay Kumar through registered post. On 01.07.2009, Shri Vijay Kumar filed detailed reply thereto denying the above charges leveled against him. However, an enquiry was fixed to look into the charges of misconduct on the part of Shri Vijay Kumar. Shri T.N. Venkatewaran was appointed as Enquiry Officer vide order dated 13.07.2009, who has conducted the enquiry and Shri Vijay Kumar, workman herein, also participated in the enquiry. Report was submitted by the Enquiry Officer on 16.11.2009 holding the charges against Shri Vijay Kumar as proved. In para 7 of the written statement it is held that pleas taken by the workman herein are not tenable for reasons mentioned in the said para.

5. On merits, it is alleged that this Tribunal has no jurisdiction to decide the present claim and the answering management is not a Government authority nor involved in any work of air services. Claim is also bad for misjoinder of the parties and Delhi International Airport (P) Ltd. has engaged the management to provide cargo handling services at the Import facilities at the Cargo Terminal. On the basis of the above engagement, answering management has engaged some employees, including the above workman, for a limited period on contractual basis. It has been denied that salary of the workman is Rs.8000.00. Enquiry has been conducted by the management in a fair manner in accordance with rules and principles of natural justice were followed. The Enquiry Officer has held all the 12 charges to be proved against the workman herein. Management has denied the other averments contained in the statement of claim.

6. Rejoinder was filed on behalf of the workman to the amended written statement filed by the management wherein the workman reasserted the stand taken in the statement of claim and denied the material averments contained in the written statement.

7. Against this factual background, vide a order dated 04.10.2011, my learned predecessor, on the pleadings of the parties, framed the following issues:

- (i) Whether the enquiry conducted by the management is just, fair and legal?
- (ii) Whether the punishment awarded to the claimant is proportionate to his misconduct?
- (iii) As in terms of reference.

8. Issue No.(i) pertaining to the domestic enquiry was treated as preliminary issue.

9. It is not out of place to mention here that in view of the amended written statement, this Tribunal vide order dated 24.02.2012, framed another additional issue, i.e. 'Whether the management is not involved in Air Transport Service. If yes, its effects?'

10. Management in order to prove the charges against the workman examined Shri K.J. Rawtani as MW1 and Shri B.S. Kaushik as MW2, whose affidavits are Ex.MW1/A and Ex.MW2/A respectively. Management also tendered and proved various documents in evidence. Shri Vijay Kumar examined himself as WW1, whose affidavit is Ex.WW1/A and also proved documents annexed with the affidavit.

11. This Tribunal, vide order dated 11.02.2016, decided issue No.1 which was treated as preliminary issue, in favour of the claimant and against the management. Action of the management was held to be unfair and against the principles of natural justice.

12. The management had not reserved its right to adduce evidence on merits in case findings on preliminary issue, i.e. domestic enquiry, is held to be against the management. Even no application was moved by the management when findings preliminary enquiry was passed by this Tribunal on 11.02.2016. However, this Tribunal afforded opportunity to both the parties to adduce evidence on merits on the remaining issues. Record of the case shows that Shri Vijay Kumar, the claimant herein has filed affidavit in evidence which is Ex.WW1/B and tried to support the averments made in the statement of claim. Thereafter opportunity was given to the management to bring evidence on other issues. However, management filed affidavit of Shri K.J. Rawatani in evidence, but the said witness was never produced by the management in the court for the purpose of cross examination. As such, averments made in the affidavit cannot be legally taken into consideration for any purpose.

13. Since in the present case management has not adduced any evidence after rendering of the findings on preliminary enquiry inasmuch as no right was reserved by the management in the written statement to adduce evidence on merits in relation to the allegations contained in the charge sheet nor any application was moved after findings was given by this Tribunal on the preliminary enquiry, as such, there is no evidence worth the name on record which requires further consideration. The only evidence on record after findings on preliminary enquiry is that of Shri Vijay Kumar, the claimant herein, who has clearly stated that after his termination he is not gainfully employed anywhere else.

Findings on Issue No (ii)

14. This issue pertains to the punishment whether the same is proportionate to misconduct committed by the claimant. Since this Tribunal has already held the enquiry conducted by the management to be unjust & unfair under the law and against principles of natural justice; as such, question of proportionality of punishment now does not survive for consideration.

Findings on issue No.iv

15. This issue was not pressed during the course of arguments or at any stage nor there is any evidence on record to show that the management is not involved in air transport service. Accordingly, this issue is decided in favour of the claimant and against the management.

Findings on Issue No.iii

16. In the present case there is no evidence on record to suggest that after his termination, claimant herein was gainfully employed anywhere. Management has also not led any evidence to the contrary. It has been held by the Hon'ble Apex Court in the case of Deepali Gundu Surwase vs. Kranti Junior Adyapak Mahavidyalaya (D.Ed) and others (2013 Lab.I.C. 4249), as under:

'Ordinarily, an employee or workman whose services are terminated and who is desirous of getting back wages is required to either plead or at least make a statement before the adjudicating authority or the Court of first instance that he/she was not gainfully employed or was employed on lesser wages. If the employer wants to avoid payment of full back wages, then it has to plead and also lead cogent evidence to prove that the employee/workman was gainfully employed and was getting wages equal to the wages he/she was drawing prior to the termination of service. This is so because it is settled law that the burden of proof of the existence of a particular fact lies on the person who makes a positive averments about its existence. It is always easier to prove a positive fact than to prove a negative fact. Therefore, once the employee shows that he was not employed, the onus lies on the employer to specifically plead and prove that the employee was gainfully employed and was getting the same or substantially similar emoluments.'

17. Yet again Hon'ble Supreme Court in Raj Kumar Dixit Vs. Vijay Kumar Gauri Shankar (2015) 9 SCC 345) set aside the judgement of Hon'ble High Court wherein back wages were reduced to 50% and held that High Court has exceeded its jurisdiction in setting aside the award passed by the Labour Court in awarding reinstatement to the workman to his post. It was observed that there are a number of factors which are to be taken into consideration by the Tribunal while considering the question of grant of back wages, including reinstatement. Relevant factors are, (i) whether the workman has approached the Tribunal at the earliest or there was delay in seeking reference, (ii) nature of the post, (iii) length of service as well as availability of vacancy when the question of reinstatement is being decided.

Since facts of no two cases are similar, as such, the Tribunal is required to keep in mind the above circumstances before ordering grant of back wages. Legal position which emerges from the above two rulings is that where there is violation of provisions of law by the management in passing order of termination or retrenchment and evidence on record is clear that the workman was not gainfully employed or was not having any other source of income to make both ends meet during the period when the matter was being considered by the Tribunal, in such circumstances, Tribunal can always grant full back wages alongwith reinstatement.

18. Since in the present case, no doubt, there are rulings to the effect that merely holding the termination of the workman to be invalid or order of reinstatement of workman would not ipso facto entitle the claimant for back wages but law is fairly clear that the claim for back wages is to be considered in the light of circumstances on record, particularly whether workman was engaged purely on daily or casual basis or he was working against a sanctioned post. The Tribunal is also to keep in mind whether action of the management in terminating the services of the claimant is purely illegal. Since in the case on hand, claimant herein, was admittedly in service of the management since 2002, as such, this Tribunal is of the opinion that the claimant is also entitled for back wages from the date of his termination by the management.

Relief

19. As a sequel to my findings, it is held that the action of the management in dismissing the service of the claimant Shri Vijay Kumar is held to be unfair and illegal and the claimant is held to be entitled to reinstatement with full back wages. An award is accordingly passed. It be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Dated : August 22, 2017

A. C. DOGRA, Presiding Officer

नई दिल्ली, 16 नवम्बर, 2017

का.आ. 2673.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक ऑफ सौराष्ट्र के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 891/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16.11.2017 को प्राप्त हुआ था।

[सं. एल-12012/14/2003-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 16th November, 2017

S.O. 2673.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 891/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure, in the industrial dispute between the management of State Bank of Saurashtra and their workmen, received by the Central Government on 16.11.2017.

[No. L-12012/14/2003-IR (B-1)]

B. S. BISHT, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present :

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 10th October, 2017

Reference: (CGITA) No. 891/2004

1. The Dy. General Manager,
State Bank of Saurashtra,
Head, Office, Neelambaugh,
Bhavnagar (Gujarat) – 364001

2. The Branch Manager,
State Bank of Saurashtra,
Rajula Branch,
Amreli (Gujarat)

...First Party

V/s

Shri Kishorebhai Rajabhai Dhamal,
Old Harijan Vankarvas,
Mahuva Road, Rajula,
Amreli (Gujarat)

...Second Party

For the First Party : Shri B.M. Joshi

For the Second Party : Shri Yogen Pandya

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-12012/14/2003-IR(B-I) dated 27.05.2003 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of State Bank of Saurashtra, Bhavnagar in not giving opportunity to Shri Kishorebhai Rajabhai Dhamal to appear in the interview for permanent job as per circular and terminating his service w.e.f. 31.05.1999 is justified? If not to what relief the workman is entitled to?”

1. The reference dates back to 27.05.2003. The second party submitted the statement of claim Ex. 5 on 30.08.2003 before the Industrial Tribunal, Bhavnagar and the first party submitted the written statement Ex. 8 on 20.12.2004 that too before the Industrial Tribunal, Bhavnagar. Since then the second party failed to lead his evidence. The matter was transferred to this tribunal vide Government of India dated 01.11.2010. Both the parties issued notice Ex. 13 regarding the transfer of this matter to this tribunal on 21.02.2011 to appear on 06.04.2011. In response to the notice, both the parties filed the vakalatpatra Ex. 15 and 14 respectively on 28.11.2011 and 14.02.2012.
2. Since then the second party advocate used to appear but did not lead evidence. Today on 10.10.2017, the advocate for the second party is present and stated that his client/workman has not been in his contact.
3. Thus it appears that the second party workman is not willing to prosecute the case.
4. Therefore, the reference in the absence of the evidence of the second party workman, is disposed of with the observation as under: “the action of the management of State Bank of Saurashtra, Bhavnagar in not giving opportunity to Shri Kishorebhai Rajabhai Dhamal to appear in the interview for permanent job as per circular and terminating his service w.e.f. 31.05.1999 is justified.”

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 17 नवम्बर, 2017

का.आ. 2674.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मध्य रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय नं. 2, मुम्बई के पंचाट (संदर्भ संख्या 67/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17.11.2017 को प्राप्त हुआ था।

[सं. एल-41012/27/2008-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 17th November, 2017

S.O. 2674.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 67/2008) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Mumbai as shown in the Annexure, in the industrial dispute between the management of Central Railway and their workmen, received by the Central Government on 17.11.2017.

[No. L-41012/27/2008-IR (B-1)]

B. S. BISHT, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.2, MUMBAI****PRESENT : M. V. Deshpande, Presiding Officer****REFERENCE NO.CGIT-2/67 of 2008****EMPLOYERS IN RELATION TO THE MANAGEMENT OF****CENTRAL RAILWAY**

The Dy. Chief Workshop Manager,
Central Railway,
Carriage & Wagon Workshop,
Matunga,
Mumbai – 400 019.

AND**THEIR WORKMEN.**

Shri Shamu Gaikwad,
Shantinagar, Opp. Barraack 1201,
Near Priyadarshini Apartment,
Bhoir Chawl, Room No.7,
Ulhasnagar, Distt - Thane.

APPEARANCES :

FOR THE EMPLOYER : Ms. Pooja Kulkarni, Advocate

FOR THE WORKMEN : Mr. R.D. Deharia, Advocate

Mumbai, dated the 16th August, 2017**AWARD PART - I**

1. This is reference made by the Central Government in exercise of powers under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 vide Government of India, Ministry of Labour & Employment, New Delhi vide its order No. L-41012/27/2008 – IR (B-I) dated 16.12.2008. The terms of reference given in the schedule are as follows :

“Whether the action of Chief Workshop Manager, C&W Workshop, Central Railway, Matunga, Mumbai in discontinuing the services of Shri Shamu Gaikwad w.e.f. 11.10.2001 is legal and justified ? If not, what relief he is entitled to ?”

2. After the receipt of the reference, both the parties were served with the notices. They appeared through their respective representatives.

3. Second party workman filed statement of claim Ex.6. According to the second party workman, he was working as a Trimmer [SK] in the Carriage Workshop in Matunga of the first party management having appointed on 3.10.1991. He has put in 11 years of service as regular employee with first party management.

4. According to second party workman, on 27.1.2001 he has submitted an application to the first party management for leave for 6 days urgently to rush to his native village to attend his seriously ill mother as there being nobody to attend her. On return from leave after 6 days on 2.2.2001 he was not allowed to resume his duty stating that the leave applied for was not sanctioned by the first party management. He was asked to bring in duty certificate from the first party management's medical authorities which he could not obtain because identity card / residential card, pass / medical identity card etc. were lost in the absence of which the medical authorities refused to issue such duty certificate. Medical authorities stated that unless the above documents were produced it is not possible for them to issue said certificate. To obtain said documents the procedure by way of reporting the fact to the police, obtaining their certificates etc. was involved. He undertook all these procedures and obtained the police certificate and submitted the same to the first party management to enable them to issue duplicate of the said documents which would have only made it possible to get the duty certificate as demanded by the first party management. However, this procedure got struck up at the level of the first party management to whom second party workman submitted the police certificate.

5. According to the concerned workman, in the mean time he received urgent message that his mother was in coma and he had to rush immediately to her assistance. He went to his village to attend his mother and he has had to be with her till 14.11.2002 for nursing her to make her recovery. He was with his mother at his village in Nasik Dist. Named

Bhendali. He could not inform to the first party management since the said village is far away where proper postal service was not available. However, he returned to the first party management after his mother was considered out of danger and produced the duty certificate on 14.11.2002 from the Railway Medical Departmental of the first party management as required under the rules and reported on duty. That time he was informed that his services has been terminated by way of removal from service w.e.f. 6.9.2002.

6. According to the second party employee he was made to understand that on refusal of employers for sanctioning of the leave from 27.01.2001 to 1.2.2001, first party management has taken decision to remove him from service. He was made to understand that first party management did adopt the procedure as laid down under D & A Rules 1968 while initiating disciplinary action against him. He was also made to understand that the first party management has sent a charge sheet, other communications etc. to his known address at Mumbai / Ulhasnagar and in the absence of any response the first party management proceeded further and took the decision.

7. It is the case of second party workman that he explained the circumstances under which he was away from his Ulhasnagar address and as such ex-parte decision / proceedings were initiated against him. He was denied the opportunity to defend himself. The first party management could have sent the communications to the village address of the second party workman particularly when the first party management alleged communication purported to have been addressed to the second party workman at his Ulhasnagar address and allegedly reported un-served. It is thus case of the second party workman that the action of the first party management in terminating his services is illegal and malafide.

8. According to second party workman, he thereafter obtained copies of the charge memorandum, enquiry report and decision of the disciplinary authority. The charge memorandum failed to fulfill mandatory requirements of the alleged offence in the form of article of charges, imputation of charges, list of charges and documents of list of witnesses relied upon. In the absence of compliance, these mandatory requirements of the first party management, the charge memorandum and the action taken based thereon becomes illegal, void and is of no effect.

9. According to second party workman, he then submitted his appeal on 16.11.2002 which came to be dismissed. So according to him appellate authority has also failed and neglected to apply his mind and consider the important facts. He then submitted revision petition dated 18.12.2003 but the Revising Authority has also failed to apply their mind. He is therefore asking for reinstatement with all consequential benefits including full wages, allowances, bonus etc. for the intervening period from 27.1.2001 till the date of his reinstatement and interest on the amount of arrears and wages, allowances for the period from 27.1.2001 till date of payment.

10. The first party management [Central Railway] has resisted the statement of claim by filing written statement Ex.9. It is the contention of the first party management that the workman concerned was issued charge memorandum (SF V) No. E3/08056160-S (i)/162 dated 11.10.2001 for unauthorized absence from 27.1.2001 onwards till issue of charge sheet. The charge memorandum was attempted to serve upon the concerned workman through his immediate incharge but as concerned workman was not present on duty it could not be served upon him. Hence the same was sent to him at his residential address through RPAD and the same was returned by postal department undelivered. Hence as per the existing rules the same was pasted on notice board with signatures of two witnesses and the same was deemed to have been served upon the workman.

11. It is also a case of the first party management that in terms of rule 9 (7) of R.S. (D & A) Rules-1968 the delinquent employee has to submit the explanation against the charges leveled against him within the stipulated time of 10 days but the concerned employee failed to submit his explanation. Due to non-receipt of the representation from the delinquent employee against the charges leveled against him in terms of rule 9 (9) (b) of R.S. (D & A) Rules-1968, Shri H.M. Natekar was nominated as Enquiry Officer by the Disciplinary Authority. After nomination of Shri H.M. Natekar as Enquiry Officer, he fixed the date of enquiry on 18.12.2001 and accordingly the advice was issued to the concerned workman vide letter dated 5.12.2001 intimating the date of preliminary enquiry as 18.12.2001, since the employee was not present on duty. This advice was sent to the workman by RPAD which was duly acknowledged by him. However, he did not appear in the enquiry inspite of the knowledge of date of departmental enquiry. Since the workman did not attend the departmental enquiry, the Enquiry Officer gave another opportunity to the delinquent employee by fixing the date of enquiry on 12.1.2002. Advice to this effect was sent to him vide letter dated 28.12.2001 through RPAD and the same was returned by postal department undelivered with remarks 'refused'. As such the delinquent employee failed, neglected and avoided to attend the enquiry though it was last and final opportunity granted to him. The concerned workman was well aware of the departmental enquiry initiated against him. He chose not to participate in the enquiry proceedings at his own risk. Hence in terms of rule 9 (23) of R.S. (D & A) Rules-1968, an exp-arte decision was delivered by the Enquiry Officer on the basis of available documentary evidence and Enquiry Officer found delinquent employee guilty of charges leveled against him. Enquiry Officer submitted his report to disciplinary authority. The Enquiry Officer's report was sent to the delinquent employee and 15 days time was granted to him to submit final

representation against Enquiry Officer's report vide letter dated 21.5.2002 through RPAD. However, the same was returned undelivered.

12. According to the first party management, disciplinary authority after considering the entire material on record agreed with the findings of the Enquiry Officer holding him guilty of charges and imposed penalty of removal from service upon the delinquent employee after fulfilling all requisite formalities under R.S. (D & A) Rules-1968. While imposing the punishment disciplinary authority also considered the workman's past record.

13. According to the first party management, even thereafter workman submitted an appeal against the penalty imposed upon him to the appellate authority. However, the appellate authority confirmed the penalty imposed by disciplinary authority and the decision of appellate authority was communicated to the employee concerned. Thereafter he submitted revision petition and the revising authority also confirmed the order of punishment. The concerned workman further submitted mercy appeal to CME, CST Mumbai which came to be rejected.

14. It is thus contention of the management that action of the management against the concerned workman is justified and legal. It has thus sought rejection of reference.

15. Following issues are framed at Ex.11. Issue No.1 as regards fairness of departmental enquiry and findings of Enquiry Officer whether legal or not is treated as a preliminary issue. Hence this issue is reproduced along with my finding thereon for the reasons given below:

Sr. No.	Issues	Findings
1	Whether the enquiry of the workman Shri Shamu Gaikwad was proper and legal and enquiry and findings therein were proper and legal ?	Yes

REASONS

Issue No. 1

16. In this respect it is the case of the concerned workman that he has submitted application to the first party management for leave for 6 days which was not sanctioned by the first party management. In his evidence the concerned workman has stated that he submitted the application dated 27.1.2001 since urgently he has to rush to his native village to attend his serious mother and thereafter he came back to resume his duties after 6 days on 2.2.2001 and that time he came to know that his leave application was not sanctioned by the first party management.

17. On going through the documents, it appears that the concerned workman has not filed the said application on record to show that he submitted such application and he had to rush to his native place since his mother was seriously ill. Even he has not produced medical certificates to show that at the relevant time his mother was seriously ill and therefore he has to rush to his native village to attend his mother who was seriously ill. On the contrary in his cross examination he has admitted that he was absent on duty from 27.1.2001 to 11.10.2001 without sanction of leave.

18. Even if some anxious consideration is given to the contention of the concerned workman that he was asked by the first party management to bring duty certificate from medical authorities and then he could not obtain duty certificate from the medical authorities because the identity card / residential card, pass / medical identity card etc. were lost. In the absence of which the medical authorities refused to issue such duty certificate and then he undertook the formalities such as reporting the facts to the police and obtain their certificates etc. and then obtained the police certificate and submitted the same to the first party management, then it was expected of him to produce these documents on record to show that even after submitting the police certificate the first party management did not do the needful and the procedure got struck up at the level of first party management. No such documents are produced on record. This sort of evidence of the concerned workman is also not substantiated by documentary evidence.

19. In his evidence the second party workman has stated that he had to go his native place since his mother was serious and thereafter he had to be with his mother till 14.12.2002 and then he came back after his mother was recovered to some extent and produced the duty certificate. This sort of evidence of the concerned workman is also not substantiated by documents such as medical certificates in respect of illness of his mother and the treatment which was given to his mother during the relevant period. On the contrary in his cross examination he has admitted that he did not made any application for leave. Even though according to him he had applied for leave for 6 days which was not sanctioned. He remained absent admittedly from 27.1.2001 to 11.10.2001. If according to him he has submitted

application only for 6 days from 27.1.2001 which was not sanctioned and then he would have submitted the application for remaining period also.

20. In this back drop this it is to be seen whether the enquiry is fair and proper or not ? From the documents on record, it appears that management has issued charge memorandum for unauthorized absence from work of the concerned workman on duty from 27.1.2001 onwards till issue of charge sheet and it was attempted to be served upon the concerned workman initially through his immediate incharge but since he was not on duty it could not be served upon him. The same was sent to him at his residential address through RPAD and the same was returned undelivered. A copy of enquiry report Ann.2 below Ex.12/2 shows that memorandum of charges of unauthorized absence was sent to the concerned workman at his residential address by RPAD on 13.10.2002 and thereafter the departmental enquiry was ordered. But then it appears that charge sheet was not served upon the concerned workman though it was sent by RPAD on his residential address and therefore the same was pasted on notice board by the signatures of 2 witnesses. Document at Sr. No.4 below Ex.14 shows that memorandum was pasted on notice board in presence of 2 witnesses namely Rekha and Vijaya.

21. Even then the concerned workman in his evidence has stated that since he was at his native village till 14.11.2002, he was not informed about the enquiry proceedings initiated against him and therefore the enquiry proceeding was bad in law in the absence of services of notice on him calling upon him to show cause why action should not be initiated against him for not reporting for duty.

22. In this respect I would observe that the concerned workman was very well knowing about the enquiry proceedings. From the documents on record it can be seen that the Enquiry Officer has issued notice vide letter dated 5.2.2001 informing the date of preliminary enquiry as on 18.12.2001 and this notice was sent to him, since he was not on duty, by RPAD which was received by him and also communicated to him. We have document at Sr. No. 9 below Ex.14 to show that the notice sent to the concerned workman by the Enquiry Officer informing him the date of preliminary enquiry, was served on him and this acknowledgement bears his signature. The acknowledgement shows that notice was served on him. Obviously, the notice was not returned undelivered. The concerned workman was asked in his cross examination whether this acknowledgement at pg. 9 below Ex.14 bears his signature or not to which he replied that it does not bear his signature or signature of his family members. But then there is presumption in respect of receipt of such letter which was sent by RPAD to the effect that when such notice letter etc. are sent by RPAD, and acknowledgement is received then it is presumed that it was served on the addressee. That would show that the concerned workman was knowing fully well about the date of enquiry which was fixed on 18.12.2001 by the Enquiry Officer. The advice was issued to him vide letter dated 5.12.2001 advising him the date of enquiry as on 18.12.2001. Acknowledgement at pg. 9 below Ex.14 produced on behalf of the management clearly goes to show that advice was sent to the concerned workman by RPAD which was duly acknowledged by him. It appears that even thereafter the concerned workman did not appear in the enquiry inspite of knowledge of the date of departmental enquiry. He even did not make efforts to find out the next date of hearing of enquiry and continued to remain absent for enquiry proceedings. It can be observed therefore that the concerned workman chose to remain absent on his own and did not participate the enquiry proceedings. He is therefore estopped from saying now that the enquiry was conducted ex-parte without giving opportunity to him to defend himself.

23. That apart the fact remains that in his cross examination also the concerned workman has admitted that he was absent on duty from 27.1.2001 onwards. Admittedly, he has not made any application. In view of this admission it can be said that the concerned workman admits the charge of absenteeism. In his application dated 16.11.2002 the concerned workman has stated that he was absent due to circumstances which has been stated in his application dated 16.11.2002 and then further stated that he be forgiven for the mistakes committed by him and that he would not commit such mistakes in future. This application also shows that he has admitted in his application the charge of absenteeism after receipt of the order. When admission made by the concerned workman shows that he had committed the misconduct then the question of violation of principles of natural justice cannot have relevance.

24. In this respect, Learned Counsel for the management seeks to rely on the decision in case of K. Venkateswarlu V/s. Nagarjuna Gramina Bank & Anr. WP No. 15623/1988 wherein it has been held that

“In disciplinary proceedings, if the delinquent admits the charge or makes an unconditional and unqualified admission, there is nothing to be done by way of departmental enquiry and it cannot be argued that the procedure of departmental enquiry should have been applied notwithstanding such admission or confession. When admission made by the delinquent shows that he had committed the misconduct then the question of violation of principles of natural justice cannot have any relevance.”

25. As regards the opportunity to be given to the concerned workman for participating in the departmental enquiry the evidence has come on record that he was knowing about the enquiry and notice of the preliminary date of the

enquiry was given to him by the Enquiry Officer which was served on him but then he chose to remain absent. Therefore, he cannot come with a case that the enquiry was held in violation of principles of natural justice.

26. In the decision cited *supra*, it has been observed in para 7 of the judgment that

“Once an opportunity is given to the employee to show cause, the employer is exonerated of his duty of giving a reasonable opportunity to the delinquent, if the latter does not avail of the opportunity of showing cause and throws himself at the mercy of the employer or tenders an unqualified apology such a delinquent cannot subsequently complain that the punishment was imposed in violation of principles of natural justice.”

27. In para 7 of the judgment it has been observed that departmental enquiry is not necessary in case of admission of misconduct by the employee. Even if any enquiry is made despite admission, punishment imposed cannot be set aside on the defects in conduct of the enquiry.

28. In view of above legal position it will have to be said that the notice of enquiry was served on the concerned workman. He was informed about the date of enquiry. He chose to remain absent and not to participate in the enquiry. Even thereafter in his application he admitted his misconduct in respect of absenteeism and remained absent on duty for the period from 27.1.2001 to 11.10.2001 that too without sanction of leave. As such it will have to be said that the enquiry was fair and proper and the concerned workman in such circumstances has no right to challenge the enquiry mainly on the ground that the enquiry was held *ex-parte* and he was not given opportunity to defend himself.

29. Even then, the Learned Counsel for the concerned workman submitted that the charge memorandum shows that it is defective having omitted important and mandatory provisions of disciplinary and appeal rules by not indicating the same by second party workman and not attaching therewith articles of charge, statement of imputation, list of documents and names of witnesses etc. He submits that personal inspector would have been deputed to ensure the attendance of the workman for enquiry which was not done and as such *ex-parte* decision was given in violation of principles of natural justice. The submission is also to the effect that in his application the concerned workman in good faith to avoid complication for the absence caused has explained the reasons for his absence on duty which cannot be taken as admission of charge.

30. Learned Counsel for the concerned workman seeks to rely on the decision in case of UP SRTC through its Managing Director and Anr. *V/s. Jeevan Prasad Mishra & Anr.* 2003 (SCC 101) to submit that the termination was bad in absence of services of notice on the concerned workman calling upon him to show cause why action should not be taken against him for not reporting on duty in the place of his transfer.

31. In that case the Respondent was working as Welder. He submitted an application for leave and his prayer was accepted. In the meantime he was transferred and was ordered to be relieved. He has challenged the order. It was finding of the fact that despite issuance of notice in newspaper, the Respondent failed to report on duty but then the order of termination cannot be sustained since Respondent should have been served with notice calling upon him to show cause why action should not be taken against him for not reporting for duty and that was not done. Facts in the present case are quite different and distinguishable.

32. As seen the earlier the notice of preliminary date of enquiry was informed to the concerned workman and notice was served upon him. As such there is no question of service of notice by personal inspector to ensure his attendance for enquiry. When the concerned workman has admitted misconduct in his application that would be admissible. Such admission is substantive evidence of the facts admitted and therefore it was duty of the concerned workman to explain the circumstances under which he was constrained to remain absent. In his evidence the concerned workman has stated the reasons for such absence that his mother was ill but that statement is not supported by documentary evidence.

33. In the context the reliance is also placed by the Learned Counsel for the management on the decision in case of *Arun Kr. Sharma V/S. Union of India and Anr.* 2008 LAB IC 4250. In that case the dismissal was on the ground of unauthorized absence from duty. Petitioner despite rejection of his leave application remained absent and misconducted himself, proceeded on leave atleast for a period of one year and six months and did not report back on duty under one pretext or another. The reason stated for such absence that his parents were ill, is not supported by documentary evidence. It is held that the dismissal from service is proper.

34. Now, on going through the enquiry report, it appears that Enquiry Officer held that the charges of unauthorized absence on duty leveled against the concerned workman stands proved. This finding is based on documents as regards the absence of the concerned workman on duty for the period from 27.1.2001. Even charge of absence on duty is admitted by the concerned workman in his cross examination and the reasons given by him for his absent are not supported by documents.

35. Considering all these facts, I find that the enquiry is fair and proper and the findings of the Enquiry Officer are not perverse. Issue No.1 is answered according. Hence I pass the following order.

ORDER

- (i) Enquiry held against the concerned workman Shri Shamu Gaikwad is fair & proper.
- (ii) Findings of the Enquiry Officer are not perverse.
- (iii) The parties are directed to argue/lead evidence on the point of quantum of punishment.

Date: 16.08.2017

M. V. DESHPANDE, Presiding Officer

नई दिल्ली, 17 नवम्बर, 2017

का.आ. 2675.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मध्य रेलवे के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, गुवाहाटी के पंचाट (संदर्भ संख्या 22/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17.11.2017 को प्राप्त हुआ था।

[सं. एल-41011/128/2012-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 17th November, 2017

S.O. 2675.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 22/2013) of the Central Government Industrial Tribunal-cum-Labour Court, Guwahati as shown in the Annexure, in the industrial dispute between the management of N.F. Railway and their workmen, received by the Central Government on 17.11.2017.

[No. L-41011/128/2012-IR (B-1)]

B. S. BISHT, Section Officer

ANNEXURE**IN THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GUWAHATI, ASSAM**

Present : Shri Mrinmoy Kumar Bhattacharjee, M.A., LL.B.
Presiding Officer,
CGIT-cum-Labour Court, Guwahati.

Ref. Case No. 22 of 2013**In the matter of an Industrial Dispute between :-**

The Management of N.F. Railway, Lumding Division, Lumding.

-Vrs-

Workman Sri Kartick Sarkar, represented by the Rail Mazdoor Union, Guwahati.

APPEARANCES :

For the Workman : Mr. M.U.Ahmed, learned Advocate.

Mrs. M.Bora, Learned Advocate.

For the Management : Mr. A.K.Nath, Learned Advocate.

Date of Award: 20.09.2017.**AWARD**

1. The present reference arose out of an Industrial Dispute between the workman Sri Kartik Sarkar and the Management of N.F. Railway, Maligaon, Guwahati. According to the Central Government, an Industrial Dispute exists between the Management of N.F. Railways and their workman in respect of the matters which have been specified in the Schedule as under:

SCHEDULE

“Whether the action of the Divisional Railway Manager (P), N.F.Railway, Lumding Division in refusing to give effect of promotion in respect of Shri Kartik Sarkar with retrospective date with seniority over the junior, named Shri Subodh Ch. Bhattacharjee, Sr. Goods Clerk who promoted on 28.9.2005 is justified and valid? If not, what relief Shri Kartik Sarkar is entitled to & from what date?”

2. On receipt of notices both the parties appeared and submitted their respective claim statement and written statement. The workman's case, in brief, is as follows:
3. The workman Sri Kartik Sarkar was appointed in the N.F.Railway on 01.09.1987 as Junior Clerk in Goods and Coaching stream. He was initially appointed in the scale of Rs.975-3200/- (pre revised). On 22.5.1997 he was promoted in the hierarchy of Commercial clerk as Sr. Commercial Clerk (Goods) in the scale of Rs.4000-Rs.6,000/- as per 5th Pay Commission. After the aforesaid promotion his service was stagnated and it is alleged that during his aforesaid tenure as Sr. Commercial Clerk he was superseded by at least 3 other employees namely Sri Subodh Bhattacharjee, R.K.Choudhury and Sadhan Lal without any reason. It was further alleged that although the concerned workman and the remaining 3 were serving in the post of Sr. Commercial Clerk/Coaching the juniors were promoted as Head Commercial Clerk of the coaching and thus causing serious disadvantage to the workman in all respect. The workman submitted representation to the authorities but his grievance was not redressed. It was also alleged that the authority has been exercising administrative power arbitrarily by adopting pick and choose method in respect of granting promotion to the workmen. On 15.2.1994 when the workman was working in Narangi Railway Station as Junior Commercial Clerk (Goods Clerk) he was transferred to Lumding on 15.02.1994 because of certain administrative reasons and at the time of that transfer his seniority position was shown at serial No.31 under the seniority list No.E/39-20(SNY) dated 05.11.1996. Subsequently he was transferred to Hojai on 25.04.1997. He was subsequently transferred as Sr. Commercial Clerk (Goods) at Lumding on 21.04.2008. It is mentioned in his claim statement that on 25.04.1997 one Sri S.C. Bhattacharjee who was junior to the petitioner was promoted to the post of Sr. Commercial Clerk (Goods) on 25.04.1997 but subsequently the said order was reviewed and modified and he was shown to be promoted Sr. Commercial Clerk (Coaching) with effect from 20.10.1998. According to the petitioner the aforesaid act of the authority established that their stand that Goods and Coaching are distinct and different stream is baseless because both schemes are interchangeable. It is alleged that the plea of the management that he could not be promoted before the aforesaid 3 workmen because the petitioner opted to absorb himself in Commercial (Goods Wing) and Cadre Post in Goods Wing is not permitted to promote the petitioner in higher Grade. It was specifically mentioned by the petitioner that neither the management ever sought option from the petitioner nor the petitioner ever opted to absorb himself as Commercial Clerk (Goods) as alleged. On the basis of the above, the workman has prayed for giving effect to his due promotion with all consequential benefit from the date on which his junior were promoted.
4. The management submitted written statement against the claim statement of the workman and stated that Sri S.C. Bhattacharjee was promoted to the post of Head Commercial Clerk (Coaching) vide order dated 18.08.2005 because his seniority is maintained in the Coaching Side. It was also stated that the petitioner workman who joined as Commercial Clerk on 01.09.1987 was posted as Commercial Clerk (Goods) on his own request vide order dated 28.02.1990 and subsequently he was posted as Sr. Commercial Clerk (Goods) vide order dated 29.04.1997 and subsequently he was transferred to Lumding as Sr. Commercial Clerk (Goods) on 19.07.1999 and his seniority as Sr. Commercial Clerk is maintained in the Goods Side and not in Coaching Side and hence, there was no question of him being superseded by others whose seniority were maintained in Coaching Side. It was also mentioned that when his turn of promotion came he was promoted as Head Commercial Clerk vide order dated 14.02.2011. But his promotion could not be effected due to his DAR case pending.
5. The Workman side examined 2 witnesses namely Sri Kartik Sarkar (W.W.1) and Sri Mridul Kumar Das (W.W.2). They are cross-examined by the management side. Management side however, in spite of giving several chances, did not adduce any evidence.
6. W.W.1, Sri Kartik Sarkar, the concerned workman, deposed that on 01.09.1987 he was posted as Relieving Commercial Clerk at Badarpur Sub-Division where he worked for 3 years and thereafter he applied for transfer to Guwahati due to illness of his mother. The representation submitted by him has been exhibited as Exhibit-1. He also submitted another reminder (Exhibit-2) seeking transfer. Ultimately vide order dated 28.02.1990 he was transferred to Narangi as Goods Clerk and then again he was transferred from Narangi to Lumding as Goods Clerk on 17.01.1994 (Exhibit-4). He further stated while he was working at Lumding a provisional seniority list was issued by the DRM of N.F. Railway Lumding vide dated 05.11.1996 wherein the name of the workman was at serial No.31. In the year 1997 he along with his junior namely Subodh Chandra Bhattacharjee were promoted as Sr. Goods Clerk vide dated 25.04.1997 (Exhibit-5) along with other staff. In the year 1999 a seniority list of Goods Clerk was issued vide dated 16.07.1999 (Exhibit-6) wherein his name was at serial No.66 and Sri S.C. Bhattacharjee was shown at serial No.68. In the mean time he was posted first at Hojai then again transferred to Lumding and ultimately in the year 2001 vide order 23.04.2001 (Exhibit-7) he was transferred to Guwahati and posted at Pandu as Sr. Goods Clerk. It was also stated that

in the year 2004 another Provisional seniority list was issued by the DRM, N.F.Railway vide 28.12.2004 (Exhibit-8) wherein his name was reflected as serial No.40 but name of Sri S.C. Bhattacharjee was not included in the said list. In the year 2008 he was transferred to Lumding as Sr. Relieving Commercial Clerk vide dated 12.03.2008 (Exhibit-9) and after his posting at Lumding on enquiry he came to know that his juniors namely Sri S.C. Bhattacharjee, Sri Haradhan Dey, Sri Shadon Ludh, Sri R.K.Deb Choudhury and some others were promoted as Head Coaching Clerk in the year 2005. According to the concerned workman he was therefore deprived and superseded without any ground. In the year 2010 he filed a petition under RTI Act before the management of N.F. Railway seeking latest position in regard to his promotion and in reply the management stated that his promotion and seniority were not effected as he was transferred at his own instance.

7. During his cross examination by the management, he admitted that Sri S.C. Bhattacharjee and others were promoted superseding him because they were not Goods Clerk and were working in Coaching Section. The witness however denied the suggestion of the management that procedure as well as rules for promotion in respect of Goods Clerk and Coaching Clerk were not the same. From the trend of the cross-examination of the management it appeared that management took two grounds to justify the delayed promotion of the concerned workman. Firstly, according to the management those who allegedly superseded the workman were in Coaching Department whereas the workman was in Goods Department. Another ground taken by the management was that the workman did not submit any representation immediately against the promotion of Sri S.C. Bhattacharjee allegedly superseding him. Relevant part of his cross-examination is quoted below:- *"....I was superseded by the above named persons who have been working in Coaching department. Subodh Ch Bhattacharjee whom I mentioned above is senior to me in both age and length of service. I have submitted my representation before my appointing authority alleging that promotion of Subodh Ch Bhattacharjee was made by superseding me. But I have not produced any document in this regard. It is not a fact that as I have not submitted any representation alleging promotion of Subodh Ch Bhattacharjee superseding me for which I could not produce any document before the court nor did I mention in my claim statement."* It was clear from the above that even if the concerned workman thought that he was superseded in respect of promotion, he did not ventilate his grievance to his employer. He could not show that he submitted any such representation within a reasonable time.

8. Workman witness No.2, an Office bearer of the Union to which the workman belong also deposed in the similar line and summing up of his examination-in-chief on Affidavit that the concerned workman was illegally and unduly superseded and his promotion was effected at a much later date causing pecuniary loss to him. One part of the examination-in-chief of W.W No.2 appeared to be relevant wherein he stated as under:- *".....in the NF Railway the unification of the three existing cadres of commercial clerks, viz, goods, coaching and transshipment were not done at the time as directed by the Railway Board..... It was effected on 1.1.2007."*

9. During his cross-examination the management suggested to him that the procedure and rules of promotion regarding Goods Clerk and Coaching Clerk are not the same but the witness denied the same. The witness however admitted in his examination in-chief on Affidavit that the unified cadre amalgamating goods, coaching and transshipments clerk in the said unified cadre as commercial clerk was made in the year 2007 and had it been done earlier the workman would have benefited by securing higher seniority at the time of posting as Sr. Commercial Clerk (coaching).

10. From the evidence of W.W No.2 it was clear that till 2007, Goods, Coaching and Transshipment departments were different streams and in the year 2007 these streams were amalgamated to create one unified cadre of commercial clerk. Statement of the witness in examination-in-chief made it clear. Coming to the evidence of the concerned workman, it was clear that he was posted as Senior Commercial clerk (Goods) till he was promoted as Head Commercial Clerk. It was also clear from the materials on record that after his "alleged" supersession, he did not file any representation to the concerned authority seeking redressal of his grievance. No such representation was proved by him. It was therefore clear that he did not file any representation within reasonable time. From his own statement it appeared that the alleged supersession was done in the year 2005 and the dispute was raised after substantial delay. It was also clearly evident that he did not submit any representation before his employer highlighting his grievance and seeking redressal. It was also clear from the evidence of the workman side, as noted above, that till 2007 Goods and Coaching were different streams. It therefore, did not appear to me that the DRM (P), N.F. Railway, Lumding division did any such unjustified act in respect of the promotion of the workman. The workman and another person named in the schedule of the "Reference" belonged to two different streams namely, Goods and Coaching at the relevant time, that is, in the year 2005. Admittedly, in the year 2007 both these streams were amalgamated to create a single stream. This perhaps, may be the reason for which the workman did not submit any representation at the earliest. In fact, as per materials available on record, no such representation was ever submitted before the appointing authority by the workman.

11. In view of the above it is held that the action of the DRM (P), N.F. Railway, Lumding division in respect of the promotion of the workman Kartick Sarkar was not unjustified and invalid. The workman Sri Sarkar, therefore, is not entitled to any relief. The reference is answered accordingly.

Send the Award to the Ministry as per procedure.

Given under my hand and seal of this Court on this 20th day of September, 2017, at Guwahati.

MRINMOY KUMAR BHATTACHARJEE, Presiding Officer

नई दिल्ली, 17 नवम्बर, 2017

का.आ. 2676.—राष्ट्रपति, श्री श्याम सुन्दर गर्ग को केन्द्र सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, नागपुर के पीठासीन अधिकारी के तौर दिनांक 25.09.2017 (पूर्वाह्न) से 65 वर्ष की आयु प्राप्त करने तक अर्थात् 19.01.2022 अथवा अगले आदेशों तक, जो भी पहले हो, नियुक्त करते हैं।

[सं. ए-19011/02/2017-सीएलएस-II]

अजय मलिक, अवर सचिव

New Delhi, the 17th November, 2017

S.O. 2676.—The President is pleased to appoint Shri Shyam Sunder Garg Presiding Officer of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur with effect from 25.09.2017 (Forenoon) till he attains the age of 65 years i.e. up to 19.01.2022 or until further orders, whichever is the earlier.

[No. A-19011/02/2017-CLS-II]

AJAY MALIK, Under Secy.

नई दिल्ली, 20 नवम्बर, 2017

का.आ. 2677.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ग्रामीण बैंक ऑफ आर्यवार्त के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 25/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20.11.2017 को प्राप्त हुआ था।

[सं. एल-12011/09/2014-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 20th November, 2017

S.O. 2677.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 25/2014) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the industrial dispute between the management of Gramin Bank of Aryavrat and their workmen, received by the Central Government on 20.11.2017.

[No. L-12011/09/2014-IR (B-1)]

B. S. BISHT, Section Officer

ANNEXURE

BEFORE SRI SHUBHENDRA KUMAR, HJS, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOR COURT, / LOK ADALAT, KANPUR.

Industrial Dispute No. 25 of 2014

Between :

Shri R.P. Singh,
State Executive Committee Member,
U.P. Bank Workers' Organisation,
3/13, Mathura Nagar,
Aligarh (U.P.) – 202001

Vs

The Chairman,
Gramin Bank of Aryavrat,
Head office
A-2/46, Vijay Khand, Gomti Nagar,
Lucknow-226010

AWARD

1. Central Government, Mol, vide notification no.L-12011/09/2014-IR (B-I) dated 20-02-2014, has referred the following dispute for adjudication to this tribunal.
2. “Whether Shri Anil Kumar Varshney, Officer Grade- I can be treated as workman under the provisions of Industrial Dispute Act, 1947? If so, whether the action of the management of Gramin Bank of Aryavrat is non-granting him promotion to the post of officer Grade-II is just, fair and legal? If not to what relief he is entitled to and from what date?”
3. In the instant case a reference was referred to Central Government Industrial Tribunal cum Labor Court, Kanpur, whereupon notice to the claimant was issued under registered post by CGIT Kanpur for filing his claim in the case.
4. Shri R.P. Singh state executive committee member UP Bank organization has filed claim statement stating that worker Anil Kumar Varshney was appointed in Aligarh Garmin Bank which was converted as Gramin bank Aryavrat in April 2013 and worker Shri Anil Kumar Varshney was working as second line officer and had been accepted by management of bank as worker and he had cleared Departmental exam but was not promoted due to mala fide of bank it is prayed that worker Shri Anil Kumar Varshney be promoted to officer class with effect from 20.05.2011.
5. Management has filed written statement denying the fact alleged in claim statement and it is further alleged that Shri Anil Kumar Varshney is not a workman and he is not competent to raise industrial dispute.
6. No rejoinder is filed by workmen nor parties have adduced any oral evidence nor they have filed any documentary evidence.
7. I have heard parties representative and perused the record.
8. On perusal of record it appears that A.R. for worker has moved an application alleging that worker is not interested in contesting the case and this case is not being pressed by him. The application is not opposed by management.
9. Therefore it is clear that worker has neither adduced any oral or documentary evidence in his support and further he does not want to contest this I.D. and he has not pressed it. Therefore in this circumstances worker has failed to prove his case and this tribunal is bound to decide the reference against the union and in favour of management and it is held that worker is not entitled to any relief.
10. The reference is decided accordingly.

SHUBHENDRA KUMAR, Presiding Officer

नई दिल्ली, 20 नवम्बर, 2017

का.आ. 2678.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ग्रामीण बैंक ऑफ़ आर्यवर्त के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 128/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20.11.2017 को प्राप्त हुआ था।

[सं. एल-12011/83/2014-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 20th November, 2017

S.O. 2678.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 128/2014) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the industrial dispute between the management of Gramin Bank of Aryavrat and their workmen, received by the Central Government on 20.11.2017.

[No. L-12011/83/2014-IR (B-1)]

B. S. BISHT, Section Officer

ANNEXURE**BEFORE SRI SHUBHENDRA KUMAR, HJS, PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOR COURT, / LOK ADALAT, KANPUR.****Industrial Dispute No. 128 of 2014****Between :**

Shri R.P. Singh,
State Executive Committee Member,
U.P. Bank Workers' Organisation,
3/13, Mathura Nagar,
Aligarh (U.P) - 202001

Vs

The Chairman,
Gramin Bank of Aryavrat,
Head office
A-2/46, Vijay Khand, Gomti Nagar,
Lucknow-226010

AWARD

1. Central Government, Mol, vide notification no.L-12011/83/2014-IR (B-I) dated 24-11-2014, has referred the following dispute for adjudication to this tribunal.
2. "Whether Shri Ramveer Singh, Officer Grade- I can be treated as workman under the provisions of Industrial Dispute Act, 1947? If so, whether the action of the management of Gramin Bank of Aryavart in treating his absence from duty during the period from 08.07.2010 to 04.05.2012 as loss of pay and recovery of the same from his salary is just, fair and legal? If not, to what relief he is entitled to and from which date?"
3. In the instant case a reference was referred to Central Government Industrial Tribunal-cum-Labor Court, Kanpur, whereupon notice to the claimant was issued under registered post by CGIT Kanpur for filing his claim in the case.
4. Shri R.P. Singh state executive committee member UP Bank organization has filed claim statement stating that worker Ram Veer Singh was appointed in Aligarh Garmin Bank which was converted as Gramin bank Aryavart in April 2013 and worker Shri Ram Veer Singh was working as second line officer and had been accepted by management of bank as worker and he had cleared Departmental exam but was not promoted due to mala fide of bank as worker it is prayed that worker Shri Ram Veer Singh worker officer class I be declared as workman and he be paid deducted amount of salary with interest.
5. Management has filed written statement denying the fact alleged in claim statement and it is further alleged that Shri Ram Veer Singh is not a workman and he is not competent to raise industrial dispute.
6. No rejoinder is filed by workmen nor parties have adduced any oral evidence nor they have filed any documentary evidence.
7. I have heard parties representative and perused the record.
8. On perusal of record it appears that A.R. for worker has moved an application alleging that worker is not interested in contesting the case and this case is not being pressed by him. The application is not opposed by management.
9. Therefore it is clear that worker has neither adduced any oral or documentary evidence in his support and further he does not want to contest this I.D. and he has not pressed it. Therefore in this circumstances worker has failed to prove his case and this tribunal is bound to decide the reference against the union and in favour of management and it is held that worker is not entitled to any relief.
10. The reference is decided accordingly.

SHUBHENDRA KUMAR, Presiding Officer

नई दिल्ली, 20 नवम्बर, 2017

का.आ. 2679.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ग्रामीण बैंक ऑफ आर्यवार्त के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 129/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20.11.2017 को प्राप्त हुआ था।

[सं. एल-12011/82/2014-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 20th November, 2017

S.O. 2679.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 129/2014) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the industrial dispute between the management of Gramin Bank of Aryavrat and their workmen, received by the Central Government on 20.11.2017.

[No. L-12011/82/2014-IR (B-1)]

B. S. BISHT, Section Officer

ANNEXURE

BEFORE SRI SHUBHENDRA KUMAR, HJS, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOR COURT, / LOK ADALAT, KANPUR.

Industrial Dispute No. 129 of 2014**Between :**

Shri R.P. Singh,
State Executive Committee Member,
U.P. Bank Workers' Organisation,
3/13, Mathura Nagar,
Aligarh (U.P.) - 202001

Vs

The Chairman,
Gramin Bank of Aryavrat,
Head office
A-2/46, Vijay Khand, Gomti Nagar,
Lucknow-226010

AWARD

1. Central Government, Mol, vide notification no.L-12011/82/2014-IR (B-I) dated 24-11-2014, has referred the following dispute for adjudication to this tribunal.
2. "Whether Shri RamVeer Singh, Officer Grade- I can be treated as workman under the provisions of Industrial Dispute Act, 1947? If so, whether the action of the management of Gramin Bank of Aryavart in awarding punishment of 'reduction to lower stage in time scale of pay by all stage at initial basic pay of Rs 14500/- for a period of eight years during which period the reduction shall have effect of postponing the future increments of his pay on him is just fair and legal? If not, to what relief he is entitled to and from what date?"
3. In the instant case a reference was referred to Central Government Industrial Tribunal-cum-Labor Court, Kanpur, whereupon notice to the claimant was issued under registered post by CGIT Kanpur for filing his claim in the case.
4. Shri R.P. Singh state executive committee member UP Bank organization has filed claim statement stating that worker Ram Veer Singh was appointed in Aligarh Garmin Bank which was converted as Gramin bank Aryavart in april 2013 and worker Shri Ram Veer Singh was working as second line officer and had been accepted by management of bank as worker and he had cleared Departmental exam but was not promoted due to mala fide of bank as worker it is

prayed that worker Shri Ram Veer Singh officer class I be declared as workmen and he be paid full salary and whatever amount deducted by punishment be paid to him along with interest.

5. Management has filed written statement denying the fact alleged in claim statement and it is further alleged that Shri Ram Veer Singh is not a workman and he is not competent to raise industrial dispute.

6. No rejoinder is filed by workmen nor parties have adduced any oral evidence nor they have filed any documentary evidence.

7. I have heard parties representative and perused the record.

8. On perusal of record it appears that A.R. for worker has moved an application alleging that worker is not interested in contesting the case and this case is not being pressed by him. The application is not opposed by management.

9. Therefore it is clear that worker has neither adduced any oral or documentary evidence in his support and further he does not want to contest this I.D. and he has not pressed it. Therefore in this circumstances worker has failed to prove his case and this tribunal is bound to decide the reference against the union and in favour of management and it is held that worker is not entitled to any relief.

10. The reference is decided accordingly.

SHUBHENDRA KUMAR, Presiding Officer